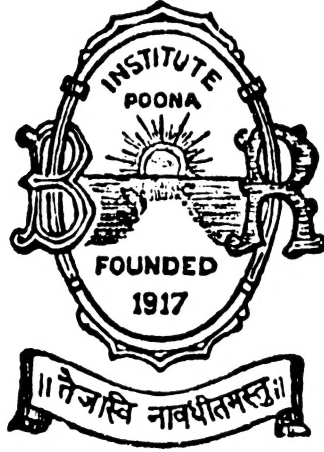


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**HISTORY OF DHARMAŚĀSTRA**  
( ANCIENT AND MEDIÆVAL RELIGIOUS  
AND CIVIL LAW IN INDIA )

By  
**PANDURANG VAMAN KANE**  
National Professor of Indology

**Volume 1**  
REVISED AND ENLARGED  
Part 1

**Bhandarkar Oriental Research Institute, Poona 4**

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## P R E F A C E

On November 17, 1962, the publication of the fifth and last Volume of Professor P. V. KANE's *History of Dharmaśāstra* was formally announced by Dr. S. RADHAKRISHNAN, and a significant landmark in the history of Indological research in this country may be said to have been thereby established. The *History of Dharmaśāstra* is a literary work which is truly magnificent both in conception and execution. Its five Volumes, which together extend over nearly 6,500 pages, seek to present the most comprehensive treatment of the religious and civil law of ancient and medieval India. And, Professor KANE has accomplished this gigantic task single-handed—incidentally, he has written down every word in the *History* in his own hand—and that too while he had been occupied with various other literary and public activities. As I have said on another occasion, for Professor KANE, the *History of Dharmaśāstra* is the crowning glory of a life of great fulfilment, and, for the Bhandarkar Oriental Research Institute, it is a matter of signal pride and honour to have been closely associated with that work.

The first Volume of the *History of Dharmaśāstra* was published in 1930. When the last Volume was published in 1962, the Institute felt that a second edition of the first Volume was manifestly called for. And this, for two reasons. For one thing, that Volume had almost gone out of print. The second reason was academic in character. The first Volume needed to be revised and enlarged. Perhaps it was the only Volume of the *History of Dharmaśāstra* which could have needed any revision at all. Though that Volume opened with an exhaustive theoretical discussion of the concept and sources of *Dharma*, its major part was devoted to a detailed history of the literature relating to Hindu Dharmaśāstra. Since the time of its publication, more than thirty-five years ago, quite a considerable amount of material had been published in India and abroad about Dharmaśāstra literature. Some new texts had been brought to light or some new light had been sought to be thrown on the already known texts or some of KANE's own hypotheses had been challenged. It had thus become necessary for the author to examine all this material



critically and, on the basis of such examination, to modify or ratify or enlarge whatever he had already said on the subject.

However, when the last Volume of the *History of Dharmaśāstra* was published in 1962, Professor KANE was already eighty-two years old, and the Institute was naturally hesitant to broach to him the subject of a revised edition of Volume I. But just a casual reference to it was more than enough—indeed, Professor KANE himself must have been thinking of such a revision—and he set out to work on a revised and enlarged edition of the first Volume with his usual assiduousness. In course of time, the printing was started in the Institute's own Press, but I must confess that the printer could not keep pace with the author. The revision also had grown far beyond the original estimate. It was, therefore, decided to publish the Volume in two parts, and the first part, containing nearly 600 pages, is now being issued on the occasion of the Golden Jubilee of the Institute. As for the second part, I can only say that Professor KANE has almost completed the revision of the entire Volume and the printing of the remaining portion is making steady progress.

Bhandarkar Oriental  
Research Institute,  
Poona,  
May 17, 1968.

R. N. Dandekar

Please note

The Synopsis of Contents and the General Index for the whole Volume together with the necessary Appendices will be given in the Second Part of this Volume.



## LIST OF ABBREVIATIONS

ABORI = Annals of the Bhandarkar Oriental Research Institute, Poona 4.

A. Br. = Aitareya Brāhmaṇa.

AIOC = All-India Oriental Conference.

$\left. \begin{array}{l} \bar{A}nan. \\ \text{or} \\ \bar{A}nan. P \end{array} \right\} = \bar{A}nandāśrama \text{ Series, Poona.}$

$\left. \begin{array}{l} \bar{A}p. \\ \text{or} \\ \bar{A}p. Dh. S. \end{array} \right\} = \bar{A}pastamba-dharmasūtra.$

$\bar{A}p. Gr. S. = \bar{A}pastambagr̥hyasūtra.$

$\bar{A}p. MP. = \bar{A}pastambiya Mantra Pāṭha.$

A. S. B. = Asiatic Society of Bengal.

ASWI = Archaeological Survey of Western India.

Baud. or Bau. Dh. S. or Baud. Dh. S. = Baudhāyana-dharmasūtra ( Mysore edition ).

Bau. Gr. S. = Baudhāyanagr̥hyasūtra ( Mysore edition by Dr. Shama Śāstri ).

BBRAS. = Bombay Branch of the Royal Asiatic Society.

BORI = Bhandarkar Oriental Research Institute, Poona 4.

Bom. H. C. R. = Bombay High Court Reports.

Bom. L. R. = Bombay Law Reporter ( edited by Messrs. Ratanlal and Dhirajlal ).

B. I. or B. I. S. = Bibliotheca Indica Series, Calcutta.

Br. Upaniṣad or Br. Up. = Brhadāraṇyaka Upaniṣad.

B. S. or BSS. = Bombay Sanskrit Series.

Cat. = Catalogue.

Caturvarga = Caturvarga-Cintāmaṇi of Hemādri ( B. I. Series ).

C. O. = Calcutta Oriental Series.

CWN = Calcutta Weekly Notes.

D. C. = Deccan College Collection of Sanskrit mss. now housed at the Bhandarkar Oriental Research Institute, Poona 4.



DCRI = Deccan College Research Institute, Poona 6.

Dh. S. = Dharmasūtra.

E. C. = Epigraphia Carnatica.

E. I. = Epigraphia Indica.

Gau. or Gaut. = Gautama-dharmasūtra (Ānandāśrama edition).

GOS = Government Oriental Series.

Gr. S. = Grhya-sūtra.

H. A. S. L. = Max Müller's History of Ancient Sanskrit Literature.

Hir. = Hiraṇyakeśi Dharmasūtra.

H. of Dh. S. = History of Dharmasāstra.

H. O. S. = Harvard Oriental Series.

Hp. Cat. or Hp. Nepal Cat. = Mahāmahopādhyāya Haraprasad Śāstri's Catalogue of palm leaf and paper mss.—belonging to Darbar Library, Nepal.

IC = Indian Culture.

I. H. Q. = Indian Historical Quarterly.

I. L. R. = India Law Reports Series, Bom. standing for Bombay, Cal. for Calcutta, All. for Allahabad and Mad. for Madras Series.

Ind. Ant. or I. A. = Indian Antiquary.

I. O. Cat. = Catalogue of Sanskrit mss. in the India Office Library, London (ed. by Dr. Eggeling).

JAOS = Journal of the American Oriental Society.

JASB = Journal of the Asiatic Society of Bengal.

JBBRAS = Journal of the Bombay Branch, Royal Asiatic Society.

JBORS = Journal of the Bihar and Orissa Research Society.

JGJRI = Journal of the Ganganath Jha Research Institute.

JIH = Journal of Indian History.

JOI = Journal of the Oriental Institute.

JOR = Journal of Oriental Research.

JRAS = Journal of the Royal Asiatic Society of Great Britain.



Jivananda Sm. = Dharmaśāstra-saṁgraha, published by  
Jivānanda at Calcutta in 1876  
( two parts ).

JVOI = Journal of the Venkatesvara Oriental Institute.

KA = Kāuṭīliya Arthaśāstra.

L. R. I. A. = Law Reports, Indian appeals, the number of  
the Volume being inserted between L. R.  
and I. A.

Mad. H. C. R. = Madras High Court Reports.

M. Gr. S. or Mānava Gr. S. = Mānava-Gr̥hyasūtra.

Mit. = Mitākṣarā on Yājñavalkya.

MOO. I. A. = Moore's Indian Appeals.

N. = Nāradaśmṛti ( ed. by Dr. Jolly ).

P. Gr. S. = Pāraskaragr̥hyasūtra.

PMS = Pūrva Mīmāṃsā Sūtras.

P. S. Series = Punjab Sanskrit Series.

Ṛg = Ṛgveda.

R. u. S. = Recht und Sitte ( by Dr. Jolly ).

S. B. E. = Sacred Books of the East Series.

S. B. H. = Sacred Books of the Hindus Series.

Tai. = Taittirīya.

TSS = Trivandrum Sanskrit Series.

ZDMG = Zeitschrift der Deutschen Morgenländischen  
Gessellschaft.

Tai. S. = Taittirīya-saṁhitā.

Tri. Cat. = Triennial Catalogue of Madras Government  
Sanskrit Mss.

Tri. ed. = Trivandrum edition.

Vāj. S. = Vājasaneyā-Saṁhitā.

Vas. or Vas. Dh. S. = Vasisthādharmaśūtra ( B. S. Series ).

Viś. = Viśvarūpa.

Viṣṇu Dh. S. or Vi = Viṣṇudharmaśūtra ( ed. by Dr. Jolly ).

V. S. = Vedāntasūtra.

W. B. = West and Bühler's Digest of Hindu Law ( 3rd ed. ).

Yāj. = Yājñavalkyaśmṛti.



- आ. गृ. सू. or आप. गृ. or आप. गृ. सू. = आपस्तम्बगृह्यसूत्र.  
 आ. गृ. सू. or आ. ध. सू. = आपस्तम्बधर्मसूत्र.  
 ऐ. ब्रा. = ऐतरेयब्राह्मण.  
 काम. = कामन्दकीयनीतिसार.  
 कौ. = कौटिल्य's अर्थशास्त्र ( Dr. Shamasastri's edition ).  
 गौ. or गौ. ध. सू. = गौतमधर्मसूत्र.  
 चतुर्वर्ग = चतुर्वर्गचिन्तामणि.  
 जीमूत. = जीमूतवाहन.  
 ताण्ड्य. = ताण्ड्यमहाब्राह्मण.  
 तै. आ. = तैत्तिरीयारण्यक.  
 तै. ब्रा. = तैत्तिरीयब्राह्मण.  
 तै. सं. = तैत्तिरीयसंहिता.  
 नि. सि. = निर्णयसिन्धु.  
 परा. मा. = पराशरमाधवीय ( B. S. Series ).  
 पा. = पाणिनि's अष्टाध्यायी.  
 पू. मी. सू. = पूर्वमीमांसासूत्र.  
 प्रायश्चित्तम. = प्रायश्चित्तमयूख of नीलकण्ठ.  
 बौ. गृ. = बौधायनगृह्यसूत्र.  
 बौ. ध. सू. = बौधायनधर्मसूत्र.  
 मद. पा. = मदनपारिजात ( B. I. Series ).  
 मनु. = मनुस्मृति.  
 मिता. = मिताक्षरा.  
 मेधा. = मेधातिथि's भाष्य on मनुस्मृति.  
 या. or याज्ञ. = याज्ञवल्क्यस्मृति.  
 वि. चि. = विवादचिन्तामणि of वाचस्पतिमिश्र.  
 वि. र. = विवादरत्नाकर ( B. I. edition ).  
 विश्व. = विश्वरूप on याज्ञ. ( Tri. ed. ).  
 वीर. = वीरमित्रोदय ( on व्यवहार ed. by Jivananda ).  
 व्य. म. = व्यवहारमयूख of नीलकण्ठ ( P. V. Kane's edition ).  
 व्य. मा. = व्यवहारमातृका of जीमूतवाहन.  
 शतपथ or शतपथब्रा. = शतपथब्राह्मण.  
 सं. कौ. = संस्कारकौस्तुभ of अनन्तदेव.  
 सरस्वती° or स. वि. = सरस्वतीविलास.  
 स्मृतिच. = स्मृतिचन्द्रिका ( ed. by J. R. Gharpure ).



# HISTORY OF DHARMAŚĀSTRA

## 1. Meaning of Dharma

*Dharma* is one of those Sanskrit words that defy all attempts at an exact rendering in English or any other tongue. That word has passed through several vicissitudes. The dictionaries set out various meanings of Dharma such as "ordinance, usage, duty, right, justice, morality, virtue, religion, good works, function or characteristic." Dharma is also personified as a deity, as in the well-known verse 'Ādityacandrāvaniloṣṇalaśca... dharmaśca jñātinarasya vṛttam' (Mahābhārata, Ādi., chap. 74.16) or as in Manusmṛti VIII. 16 'vr̥ṣo hi bhagavān Dharmah' (which also occurs in Śāntiparva 90.75). Vide H. of Dh. Vol. V (part 1) pp. 19-21 for the three words 'vrata', 'dharman' and 'ṛta' and JBBRAS. Vol. 29 (1954) pp. 1-28. In the hymns of the R̥gveda the word appears to be used either as an adjective or a noun (in the form *dharman*, generally neuter) and occurs at least about sixty times by itself (i. e. not preceded by a particle like *vi* or some words like *satya*), and about eighteen times in combination with a particle '*vi*' and with the words '*sva*' and '*satya*' fifty-six times therein. It is very difficult to say what the exact meaning of the word *dharma* was in the most ancient period of the Vedic language. The word is clearly derived from root *dhṛ* (to uphold, to support, to nourish). In a few passages, the word appears to be used in the sense of 'upholder or supporter or sustainer' as in R̥g. I. 187.1<sup>1</sup> and X. 92.2<sup>2</sup>. In these two passages and in R̥g. X. 21.3<sup>3</sup> the word *dharma* is clearly masculine. In all other cases, the word is either obviously in the neuter or presents a form which may be either masculine or neuter. In most cases the meaning of *dharman* is 'religious ordinances or rites' as in R̥g. I. 22. 18, V. 26. 6, VIII. 43. 24, IX. 64. 1 &c. The refrain 'tāni dharmāṇi prathamānyāsan' occurs in R̥g. I. 164. 43 and 50, X. 90. 16. Similarly, we have the words 'prathamā dharmā' (the primeval or first ordinances) in R̥g. III. 17. 1. and X. 56. 3 and the words 'sanatā dharmāṇi (ancient

<sup>1</sup> पितुं नु स्तोषं महो धर्माणं तविषीम् । This occurs in शुक्लयजुर्वेद 34.7.

<sup>2</sup> इममं जस्मानुभये अकृण्वत धर्माणमग्निं विदधेस्य सार्धनम् ।

<sup>3</sup> त्वे धर्माणं आसते जुहुभिः सिञ्चतीरिव ।





Brhadāranyaka Up. (I. 14. 14) treats Dharma and Satya as equivalent. In the Chāndogya-upaniṣad<sup>10</sup> (2. 23) there is an important passage bearing on the meaning of the word *dharma* 'there are three branches of *dharma*, one is (constituted by sacrifice, study and charity (i. e. the stage of house-holder), the second (is constituted by) austerities (i. e. the stage of being a hermit); the third is the *brahmacārī* dwelling in the house of his teacher and making himself stay with the family of his teacher till the last; all these attain to the worlds of meritorious men; one who abides firmly in *brahman* attains immortality.' It will be seen that in this passage the word '*dharma*' stands for the peculiar duties of the *āśramas*. As the word *brahmacārī* itself occurs in this passage of the Chāndogya, it is clearly indicated that this brief passage means to refer only to the *āśramas* and their special duties. Prof. Hazra (in 'Our Heritage' Vol. VII part I pp. 15-36, 'on the early meaning and scope of the word *dharma*') remarks (on p. 20) that the word Dharma as used in Vedic literature did not mean any act of *vyavahāra* is shown definitely by this Chāndogya passage (II. 23. 1). This is a strange (to put it mildly) argument as one passage from an Upaniṣad (relating to only one small aspect of *dharma*) cannot control the meaning of the word 'Dharma' occurring hundreds of times in Sāṃhitās, Brāhmanas and other Upaniṣads. Vide Br. Up. I. 4. 14, II. 5. 11 for the wide conception of Dharma (to cite only a few Upaniṣad passages). The foregoing brief discussion establishes how the word *dharma* passed through several transitions of meaning and how ultimately its most prominent significance came to be 'the privileges, duties and obligations of a man, his standard of conduct as a member of the Āryan community, as a member of one of the castes, as a person in a particular stage of life.' It is in this sense that the word seems to be used in the well-known exhortation to the pupil contained in the Taittiriya-

( Continued from last page )

धर्मादनिच् केवलात् ( पा. V. 4. 124 ). Pāṇini employs the word *dharma* in some of his sūtras as in धर्मे चरति ( II. 4. 4, which derives the word धार्मिक ), IV. 4. 92 ( derives धर्म्य from धर्मे ), चरणेभ्यो धर्मवत् IV. 2. 46 ( derives words like काठक, छान्दोग्य ), 'तस्य धर्म्यम्' ( IV. 4. 47 ), धर्मशीलवर्णान्ताच्च ( V. 2. 132, which explains ब्राह्मणधर्मी or-शीली or-वर्णी ).

10 त्रयो धर्मस्कन्धा यज्ञोध्ययनं दानमिति प्रथमस्तप एवेति द्वितीयो ब्रह्मचार्याचार्यकुलधर्मास्तृतीयोत्यन्तमात्मानमाचार्यकुलेवसादयन् सर्व एते पुण्यलोका भवन्ति ब्रह्मसंस्थोमृतत्वमिति  
vide वेदान्तसूत्र III. 4. 18-20 for a discussion of this passage.



upaniṣad (I. 11) 'speak the truth, practise (your own) *dharma* &c.' It is in the same sense that the Bhagavadgītā uses the word *dharma* in the oft-quoted verse "svadharmaṁ nidhanam śreyah". The word is employed in this sense in the *dharmaśāstra* literature. The Manusmṛti (1. 2) tells us that the sages requested Manu to impart instruction in the *dharma*s of all the *varṇas*. The Yājñavalkya-smṛti (I. 1) employs it in the same sense. In the Tantra-vārtika<sup>11</sup> also we are told that all the *dharmaśāstras* are concerned with imparting instruction in the *dharma*s of *varṇas* and *āśramas*. Medhātithi commenting on Manu says that the expounders of *smṛtis* dilate upon *dharma* as five-fold, e. g. *varṇadharmā*, *āśrama-dharma*, *varṇāśrama-dharma*, *naimittikadharmā* (such as *prāyaścitta*) and *guṇadharmā* (the duty of a crowned king, whether Kṣatriya or not, to protect).<sup>12</sup> It may be noted that the Mitākṣarā on Yāj. I. 1 after mentioning the fivefold *dharma*s and illustrating them adds a sixth category viz. 'Sādhāraṇa-dharma'—duties common to all men (including even *cāṇḍālas*) such as *ahiṁsā* and quotes a vedic passage in support 'na hiṁsyāt sarvā bhūtāni'. Slightly differing enumerations of virtues to be cultivated by all men are found in Gaut. Dh. S. VIII. 23–25, Matsyapurāṇa 52. 8–10 (8 in all), Manu X. 63 (five), Yāj. I. 1. 22 (nine). Vide H. D. Vol. II pp. 10–11 and vol. V pp. 1023–24, 1637 and 1648. It may be noted that the Arthaśāstra of Kauṭilya (I. 3. 13) prescribes for all men *ahiṁsā*, *satya*, *śauca*, *anasūyā*, *ānṛsaṁsya* and *kṣamā*. It is in this sense that the word *dharma* will be taken in this work. Numerous topics are comprehended under the title *dharmaśāstra*, but in this work prominence will be given to works on *ūcāra* and *vyavahāra* (law and administration of justice).

11 'सर्वधर्मसूत्राणां वर्णाश्रमधर्मोपदेशित्वात्' p. 237.

12 हरदत्त on गौ. ध. सू. 19. 1 and गोविन्दराज on मनु 2.25 give the same five-fold classification. The Bhaviṣyapurāṇa (in Brāhma-parva 181, 10-15) sets out this fivefold *dharma* (Venk. Press ed.). The Gaut. Dh. 19, 1 says 'Ukto varṇadharmāścāśramadharmāśca' and then proceeds to dilate upon *prāyaścittas* (i. e. *naimittika dharma*). The Āp. Dh. S. begins, 'athātāḥ Sāmayācārikān *dharma*n vyākhyāsyāmaḥ' (We shall expound the *dharma*s relating to the practices based on convention and adds immediately that the conventions settled by those who are conversant with *dharma* and the authorities and not any and every convention whatever.) The Āp. Gr. S. begins 'Atha karmāṇyācūrad-vaṇi gṛhyante.' That is actions are Śrutilakṣaṇa and Ācūralakṣaṇa. *Samaya* has several meanings as Amara says 'Samayāḥ śapathācārikā-siddhānta-samvidah.'



It would be interesting to recall a few other definitions of *dharma*. Jaimini<sup>13</sup> defines *dharma* as 'a desirable goal or result that is indicated by injunctive (Vedic) passages.' The word *dharma* would mean such rites as are conducive to happiness and are enjoined by Vedic passages. The Vaiśeṣikasūtra<sup>14</sup> defines *dharma* as 'that from which results happiness and final beatitude.' The Manusmṛti (in II. 1) gives the following general definition of Dharma.<sup>14a</sup> 'Know Dharma to be that which is practised by the learned that lead a moral life, that are free from hatred and partiality, and that is accepted by their hearts (i. e. conscience).' Another similar definition is given by the Nīṭisāra of Kāmandaka VI. 7 'that is Dharma which when done is praised by āryas (respectable people) that are conversant with (the vedic) tradition and adharma is said to be that which such people censure'. This is a versified rendering of Āp. Dh. S. I. 7. 20 'yat-tu āryāḥ kriyamāṇam praśaṁsanti sa dharmo yadgarhante soḍharmaḥ.' There are several other more or less one-sided definitions of *dharma* such as 'ahiṁsā paramo dharmah' (Anuśāsanaparva 115. 1.), 'ānṛsaṁsyam paro dharmah' (Vanaparva 373. 76), 'ācāraḥ paramo dharmah' (Manu I. 108). Hārta defined *dharma* as 'śrutipramāṇaka'<sup>15</sup> (based on revelation). In the Buddhist sacred books the word *dharma* has several senses. It often means the whole teaching of Buddha (S. B. E. Vol. X. p. XXXIII). Another meaning of *dharma* peculiar to the Buddhist system is 'an element of existence, i. e. of matter, mind and forces'<sup>16</sup>.

13 चोदनालक्षणोर्थो धर्मः । पू. मी. सू. 1. 1. 2.

14 अथातो धर्मं व्याख्यास्यामः । यतोभ्युदयनिःश्रेयससिद्धिः स धर्मः । वैशेषिकसूत्र.

14a मनु II. 1. विद्वद्भिः सेवितः सद्भिः...निबोधत ।

15 अथातो धर्मं व्याख्यास्यामः । श्रुतिप्रमाणको धर्मः । श्रुतिश्च द्विविधा वैदिकी तान्त्रिकी च । quoted by कुल्लुक on मनु 2. 1.

16 Vide Dr. Stcherbatsky's monograph 'the central conception of Buddhism' (1923) p. 73. and 'dharma of the Buddhist' in I. H. Q. Vol. X. (1924) pp. 737-760 (at pp. 740 ff) by the same author. Vide 'Buddhist conception of dharma' by Prof. P. T. Raju in ABORI Vol. XXI pp. 192-202; "Essentials of Buddhist Philosophy" by Prof. J. Takakusu (1956) particularly pp. 106-111; also Dr. E. Conze's 'Buddhist thought in India' (1962) pp. 92-103 for the different meanings of "Dharma and Dharmas" (elements of existence) in Buddhist works.

This is not the place to discuss what Aśoka's Dhamma was. From the 4th Rock Edict it appears that 12 years after his coronation the Dhamma he wanted to spread or propagate comprised abstention from injury to living creatures, courtesy for one's relatives and for Brahmins

(Continued on next page)



The present work will deal with the sources of *dharma*, their contents, their chronology and other kindred matters. As the material is vast and the number of works is extremely large, only a few selected works and some important authors will be taken up for detailed treatment. More space will be devoted to comparatively early works.

## 2. Sources of Dharma

The Gautamadharmasūtra<sup>17</sup> says 'the Veda is the source of *dharma* and the tradition and practice of those that know it (the Veda).' So Āpastamba<sup>18</sup> says 'the authority (for the *dharma*) is the consensus of those that know *dharma* and the Vedas.' Vide also the Vasiṣṭhadharma-sūtra<sup>19</sup> (I. 4-6). The Manusmṛti<sup>20</sup> lays down five different sources of *dharma* 'the whole Veda is (the foremost) source of *dharma* and (next) the tradition and the practice of those that know it (the Veda); and further the usages of virtuous men and self-satisfaction.' Yājñavalkya<sup>21</sup> declares the sources in a similar strain 'the Veda, traditional lore, the usages of good men, what is agreeable to one's self and desire born of due deliberation—this is traditionally recognised as the source of *dharma*.' These passages make it clear that the principal sources of *dharma* were conceived to be the Vedas, the Smṛtis, and customs. The Vedas do not contain

( Continued from last page )

and Śramaṇas, obeisance to mother, father and old persons'. In the beginning of this edict Aśoke mentions that for centuries before him people indulged in injuring or killing living beings. From the Mahābhāṣya on Vārtika 2 on Pāṇini 11. 4. 12 it appears that in Patañjali's time there was permanent or natural opposition or antipathy between Śramaṇas and brāhmaṇas; 'yeṣāṃ ca virodha ityasyāvākāśaḥ śramaṇabrāhmaṇam'; 'Yeṣāṃ ca virodhaḥ śāśvatikaḥ' is Pāṇini II. 4. 9. Vide Rhys Davids "Buddhist India" (ed. of 1950) pp. 192-194 for Aśoka's Dhamma to be gathered from his Rock Edicts I, III, VII, IX, XII, and Pillar Edicts 2 and 3. There is not a word about God, the soul, about Buddha in these edicts.

17 वेदो धर्ममूलम् । तद्विदां च स्मृतिशीले । गौ. ध. सू. I. 1-2.

18 धर्मज्ञसमयः प्रमाणं वेदाश्च । आप. ध. सू. I. 1. 1. 2.

19 श्रुतिस्मृतिविहितो धर्मः । तदलाभे शिष्टाचारः प्रमाणम् । शिष्टः पुनरकामात्मा ।

20 वेदोखिलो धर्ममूलं स्मृतिशीले च तद्विदाम् । आचारश्चैव साधूनामात्मनस्तुष्टिरेव मनुस्मृति II. 6.

21 श्रुतिः स्मृतिः सदाचारः स्वस्य च प्रियमात्मनः । सम्यक्सङ्कल्पजः कामो धर्मश्च कौमुदे स्मृतम् ॥ याज्ञ. I. 7.



positive precepts (*vidhis*) on matters of *dharma* in a connected form; but they contain incidental references to various topics that fall under the domain of *dharmaśāstra* as conceived in later times. Such information to be gathered from the Vedic Literature is not quite as meagre as is commonly supposed. In another place<sup>22</sup> I have brought together about fifty Vedic passages that shed a flood of light on marriage, the forms of marriage, the different kinds of sons, adoption of a son, partition, inheritance, *śrūddha*, *strīdhana*. To take only a few examples. That brotherless maidens found it difficult to secure husbands is made clear by several Vedic passages. 'Like (a woman) growing old in her parents' house, I pray to thee as Bhaga from the seat common to all<sup>23</sup>'. Vide also Rgveda I. 124. 7, IV. 5. 5 and Atharvaveda I. 17. 1 and Nirukta III. 4-5. These passages constitute the basis of the rules of the Dharmasūtras and the Yājñavalkya-smṛti against marrying a brotherless maiden<sup>24</sup>. This bar against marrying a brotherless maiden seems to have been due to the fear that such a girl might be an appointed daughter (*putrikā*) and that a son born of such a girl would be affiliated to his mother's father. This custom of *putrikā* is an ancient one and is alluded to in the Rgveda, according to Yāska<sup>25</sup>. Rgveda X. 85 is a very interesting hymn as regards marriage; verses from it are used even to this day in the marriage ritual.<sup>26</sup> It shows that in the remote Vedic age the marriage rite resembled in essence the Brāhma form as described in the Dharmasūtras and Manu.<sup>27</sup> But the purchase of a bride (i. e. what is called Āsura marriage in later literature) was not unknown in the Vedic age. A passage of the Maitrāyaṇīyasaṁhitā ((I. 10. 11) is referred to in the Vasisthādharmaśūtra<sup>28</sup> in this connection, viz. 'she who being purchased by the husband'. The

22 Vide JBBRAS. Vol. XXVI (1922), pp. 57-82.

23 अमाजुरिव पित्रोः सत्वा सती संमानादा सदेसस्त्वामिये भगम् । ऋग्वेद II. 17. 7.

24 अरोगिणीं भ्रातृमतीमसमानार्थगोत्रजाम् । याज्ञ. I. 53. Vide also मनु III. 11.

25 Vide Rgveda III. 31. 1 and Nirukta III. 4.

26 e. g. the verse गृणांमि ते सौभगत्वाय (ऋग्वेद X. 85. 36). Vide आप. गृ. सू. IV. 4-

27 गौ. ध. सू. IV. 4; बौ. ध. सू. I. 11. 2; आप. ध. सू. II. 5. 11. 17. III. 27.

28 वसिष्ठधर्मसूत्र I. 36-37: note आप. ध. सू. II. 6. 13. 11 where the word 'purchase' is tried to be explained away and also पू. मी. सू. VI. 1. 1. 'कस्यस्य धर्ममात्रत्वम्.'





Gāndharva form is hinted at in the words<sup>29</sup> 'when a bride is fine-looking and well adorned, she seeks by herself her friend among men'. The importance of the *aurasa* son was felt even in the remote Vedic ages. 'Another (person) born of another's loins, though very pleasing, should not be taken, should not be even thought of (as to be taken in adoption<sup>30</sup>)'. The Taittirīya-saṃhitā (VI. 3. 10.5) propounds the well-known theory of the three debts<sup>31</sup>. The story of Śunaḥśepa in the Aitareya-brāhmaṇa (VII. 3) suggests that a son could be adopted even when there was an *aurasa* son. The Taittirīya-saṃhitā (VII. 1. 8. 1) tells the story of Atri who gave an only son in adoption to Aurva. The Kṣetrajña son of the Dharmaśāstras is often referred to in the earliest Vedic literature. 'What (sacrificer) invites you (Āsvins) in his house to a bed as a widow does a brother-in-law or a young damsel her lover'<sup>32</sup>. The Taittirīya-saṃhitā makes it clear that a father could distribute his wealth among his sons during his own life-time, 'Manu divided his property among his sons' &c.<sup>33</sup> Another passage of the same *Samhitā* seems to suggest that the eldest son took the whole of the father's wealth 'therefore people establish their eldest son with wealth'<sup>34</sup>. Even in the Vedic ages the son excluded the daughter from inheritance 'a son born of the body does not give the paternal wealth to (his) sister'<sup>35</sup>. A passage of the Taittirīya-saṃhitā is relied upon by ancient and modern writers on *dharmaśāstra* for the exclusion of women in general from inheritance: 'therefore women being destitute of strength take no portion and speak more weakly than even a low person'<sup>36</sup>. The R̥gveda

29 भद्रा वधूर्भवेति यत्सुपेशाः स्वयं सा मित्रं वनुते जने चित् । ऋग्वेद X. 27. 12.

30 न हि प्रभायारणः सुशेवो अन्योर्दयो मनसा मन्तवा उ । ऋग्वेद VII. 5. 8.

31 जायमानो वै ब्राह्मणस्त्रिभिर्ऋणवा जायते ब्रह्मचर्येण ऋषिभ्यो यज्ञेन देवेभ्यः प्रजया पितृभ्यः ।

32 को वां शयुत्रा विधेव देवरं मर्यं न योषां कृणुते सधस्थ आ । ऋग्वेद X. 40. 2

33 मनुः पुत्रेभ्यो दायं व्यभजत् । तै. सं. III. 1. 9. 4. This passage is relied upon by आप. ध. सू. II. 6. 14. 11 and बौ. ध. सू. II. 2. 2.

34 तस्माज्ज्येष्ठं पुत्रं धनेन निरवसाययन्ति । तै. सं. II. 5. 2. 7. This passage is referred to by आप. ध. सू. II. 6. 14. 12 and बौ. ध. सू. II. 2. 5.

35 'न जामये तान्वो' रिक्थमारैकू' ऋग्वेद III. 31. 2; vide निरुक्त III. 5 for explanations of this verse.

36 तस्मात्त्रियो निरिन्द्रिया अदायादीरपि पापात्पुंस उपस्तितरं वदन्ति । तै. सं. VI. 3. 8. Here the portion spoken of is really that of the *soma* beverage. Vide बौ. ध. सू. II. 2. 47 for reliance on this passage and also हरदत्त (आप. ध. सू. II. 6. 14. 1) and सरस्वतीविलास (para. 21 and 336) and also शतपथब्रा. IV. 4. 2. 13 for a similar passage.

eulogises the stage of studenthood and the Śatapathabrāhmaṇa speaks of the duties of the Brahmācārī such as not partaking of wine and offering every evening a *samidh* to fire<sup>37</sup>. The Taittirīya-saṃhitā (VI. 2. 8. 5) relates<sup>38</sup> how Indra consigned *Yatis* to wolves (or dogs) and how Prajāpati prescribed a *Prāyaścitta* for him. The Śatapathabrāhmaṇa speaks of the king and the learned brāhmaṇa as the upholders of the sacred ordinances.<sup>39</sup> The Taittirīyasamhitā says 'therefore the Sūdra is not fit for sacrifice'<sup>40</sup>. The Aitareya Brāhmaṇa tells us that when a king or other worthy guest comes, people offer a bull or a cow<sup>41</sup>. The Śatapatha-brāhmaṇa speaks of Vedic study as *yajña* and the Taittirīya-āraṇyaka<sup>42</sup> enumerates the five *yajñas*, which are a prominent feature of the Manusmṛiti. The R̥gveda eulogises the gifts of a cow, horses, gold and clothes<sup>43</sup>. Another passage of the R̥gveda<sup>44</sup> (thou art like a *prapū* in a desert) is relied upon by Śābara on Jaimini (I. 3. 2) and by Viśvarūpa on Yājñavalkya as ordaining the maintenance of *prapūs* (places where water is distributed to travellers). The R̥gveda condemns the selfish man who only caters for himself<sup>45</sup>.

The foregoing brief discussion will make it clear that the later rules contained in the *dharmaśāstras* and other works on *dharmaśāstra* had their roots deep down in the most ancient Vedic tradition and that the authors of the *dharmaśāstras* were quite justified in looking up to the Vedas as a source of *dharma*.

- 37 ब्रह्मचारी चरति वेविषद्विषः स देवानां भवत्येकमङ्गम् । ऋग्वेद X. 109. 5. The शतपथब्रा. (XI. 5. 4. 18) reads 'तदाहुः । न ब्रह्मचारी सन्मध्वनीयात्.' Compare मनु II. 177. Vide शतपथब्रा. XI. 3.3.1 for *samidh*.
- 38 इन्द्रो यतीन् सालावृकेभ्यः प्रायच्छत् । मेधातिथि (on मनु XI. 45) quotes this Vide ऐ. ब्रा. 7. 28 and ताण्ड्यमहाब्रा. 8. 1. 4, 13. 4. 17 and अथर्ववेद II. 5. 3.
- 39 एष च श्रोत्रियश्चैतौ ह वै द्वौ मनुष्येषु धृतव्रतौ । शतपथ V. 4.4. 5.
- 40 तस्माच्छूद्रो यज्ञेऽनवक्लृप्तः । तै. सं. VII. 1. 1. 6.
- 41 तद्यथैवादो मनुष्यराजे आगतेन्यस्मिन्वाहृत्युक्षाणं वा वेहतं वा क्षदन्त एवमस्मा एतर्क्षदन्ते यदग्निं मथन्ति । ऐ. ब्रा. 1. 15. Compare वसिष्ठधर्मसूत्र 4. 8 and या. I. 109.
- 42 पञ्च वा एते महायज्ञाः सतति प्रतायन्ते सतति सन्तिष्ठन्ते देवयज्ञः पितृयज्ञो भूतयज्ञो मनुष्ययज्ञो ब्रह्मयज्ञः । तै. आ. 2. 10. 7.
- 43 उच्चा दिवि दक्षिणावन्तो अस्थुर्ये अश्वदाः सह ते सूर्येण । हिरण्यदा अमृतत्वं भजन्ते वासोदाः सोमं प्र तिरन्त आयुः ॥ ऋग्वेद X. 107. 2.
- 44 धन्वन्निव प्रपा असि त्वमग्न इयक्षवे' पूरवे' प्रतन राजन् । ऋग्वेद X. 4.
- 45 केवलाघो भवति केवलादी । ऋग्वेद X. 117. 6.





But, as said above, the Vedas do not profess to be formal treatises on *dharma*; they contain only disconnected statements on the various aspects of *dharma*; we have to turn to the *smṛtis* for a formal and connected treatment of the topics of the *dharmaśāstra*. Vide Prof. S. C. Bannerjee's 'Dharmasūtras, a Study' pp. 514-533 for Vedic passages cited in major Dharmasūtras and pp. 533-539 for references to them by name or by initial word or words.

Before proceeding further a few preliminary remarks must be made. Ancient Sanskrit writers and modern historians of Sanskrit Literature divide ancient Sanskrit works into three groups, viz. the Vedic Saṃhitās (R̥gveda, Yajurveda, Śāma-veda and Atharvaveda), the Brāhmaṇas (including the early Upaniṣads like the Brhadāranyaka) and Sūtras. The first two groups together constitute Veda or Śruti (as Śābara says on P. M. S. II. 1. 33 'Mantrās-ca Brāhmaṇam ca Vedah'). Sūtras are not Veda, but many of them are connected with the Veda and contain numerous mantras. Kalpa is one of the six auxiliary lores (aṅgas) of the Veda and this group is generally later in time than the Brāhmaṇas, though some sūtra works appear to have been composed even in the times of the Tai. Ār. II. 10 and of the Brhadāranyakopaniṣad (II. 4. 10 and IV. 5. 11). A distinction is drawn between Kalpa and Kalpasūtra by the Tantravārtika.<sup>45a</sup> The word Kalpa (or rather Kalpasūtra) is used in two senses, one comprehensive including the aphoristic works on Vedic ritual, on the domestic ceremonies and also on law, government and administration of justice; the other sense covers only those aphoristic works that deal with Vedic sacrifices and matters related thereto. If the first sense is taken then Kalpasūtras are classified into three classes, viz. Śrautasūtras that deal with solemn Vedic sacrifices, mentioned or discussed in the Vedas and Brāhmaṇas; (2) Gr̥hyasūtras that deal with domestic ceremonies such as Upanayana, marriage and with daily and periodical rites and employ mantras for them mostly from one Śākhā of the Veda; (3) Dharmasūtras (also depending on the Vedas as the highest authority) that treat of some of the topics dealt with in the Gr̥hyasūtras but add provisions on matters concerning economic life, politics, government, civil and criminal law. A complete Kalpa in the first sense should cover all the three divisions. It is highly doubtful whether each Veda

<sup>45a</sup> on P. M. S. I, 3, 11 (for which vide H. of Dh. vol. V, 1274 n. 2077).



Śākhā had originally a complete set of the three kinds of works covered under the word Kalpa. This will be briefly dealt with a little below.

Recently (1959) Dr. Ram Gopal has brought out a large work on 'India of Vedic Kalpasūtras' containing over five hundred closely printed pages. The title of the work is rather misleading. It does not deal with the Śrautasūtras beyond very briefly stating what they contain and distinguishing their contents from those of the Gr̥hya and Dharmasūtras. His work is concerned only with the details gathered from the Gr̥hya and Dharmasūtras and he has nothing to say about the development of the several topics dealt with in these two classes during the long period of at least 2000 years after the sūtra period (which he places between 800-500 B. C. on p. 89). His work should have been entitled "Indian Life as depicted in Gr̥hya and Dharmasūtras". As far as it goes it is a tolerable thesis, though rather prolix, dogmatic and over-disputatious. Having confined himself to the Gr̥hya and Dharmasūtras, it should have been his business to discuss all points concerning at least the principal Gr̥hya and Dharmasūtras. But he leaves important matters concerning several sūtras untouched. For example, on p. 54 he observes 'many sūtras in the Gaut. Dh. S. appear to be of doubtful authenticity and it is an important task for future researchers to determine precisely the spurious sūtras interpolated in the original Dharmasūtra'. One feels that he should himself have tackled that task at least about some representative Gr̥hya sūtras and the Gautama-dharma-sūtra (which he places on p. 84 among the oldest class of Śrauta, Gr̥hya and Dharmasūtras and when on p. 82 he holds that Gautama is undoubtedly the oldest writer on Smārta Dharma) by a thorough examination of chapters and passages in them and should have pointed out the criteria why certain sūtras are held to be spurious and so forth. He need not have included in the thesis the description of the flora and fauna &c. (pp. 103-109) or if he wanted to include these subjects he should have devoted more space. Nor was there any need for him to discuss (as he does on pp. 100-103) the varying limits of Āryāvarta, since that subject had been dealt with at length by me in H. of Dh. Vol. II pp. 11-16. He hardly adds anything substantial to what I stated on that topic twenty-two years ago. He could have referred to Vol. II of H. Dh. pp. 11-16 and added bits of information that did not



### 3. When Dharmasāstra works were first composed

The important question is to find out when formal treatises on *dharma* began to be composed. It is not possible to give a definite answer to this question. The Nirukta (III. 4-5) shows that long before Yāska heated controversies had raged on various questions of inheritance, such as the exclusion of daughters by sons and the rights of the appointed daughter (*putrikā*). It is very likely that these discussions had found their way in formal works and were not merely confined to the meetings of the learned. The manner in which Yāska writes suggests that he is referring to works in which certain Vedic verses had been cited in support of particular doctrines about inheritance<sup>46</sup>. It is further a remarkable thing that in connection with the topic of inheritance Yāska quotes a verse, calls it a Śloka and distinguishes it from a ṛk.<sup>47</sup> This makes it probable that works dealing with topics of *dharma* existed either composed in the śloka metre or containing ślokas. Scholars like Bühler would say that the verses were part of the floating mass of mnemonic verses, the existence of which he postulates without very convincing or cogent arguments in his Introduction to the Manusmṛti (S. B. E. vol. 25 Intro.xc). If works dealing with topics of *dharma* existed before Yāska, a high

46 अथैतां जाम्या रिक्थप्रतिषेध उदाहरन्ति ज्येष्ठं पुत्रिकाया इत्येके । Vide S. B. E. vol. 25, LXI (footnote) for Bühler's view refuting Roth's opinion that the whole discussion in the Nirukta is an interpolation.

47 तदेतद्वक्त्रोकाभ्यामभ्युक्तम् । अङ्गादङ्गात्सम्भवसि...स जीव शरदः शतम् ॥  
अविशेषेण पुत्राणां दायो भवति धर्मतः । मिथुनानां विसर्गादौ मनुः स्वायम्भुवो ब्रवीत् ॥  
The first half of the verse 'Āṅgād-āṅgāt' occurs in. Br. Up. VI. 4. 9 and in Kauṣitaki Up. 2. 11 (three pādas) and the whole verse in Baud. Gr. and Āśv Gr. and in mantra-pāṭha II. 11. 33. The Mānavagṛhyasūtra (I. 18. 1) provides that the verse 'āṅgād-āṅgāt,' quoted in n. 47, was to be muttered over the son's head after the father returned from a journey. It may be noted that in the extant Manusmṛti 'Manuḥ Svāyambhuvoḥbravīt' occurs in IX. 158 and the words 'Manurāha Prajāpatiḥ' occur in X. 78 and the words 'tan-Manoranu. śāsanam' occur in VIII. 139 and 279 and in IX. 239. This shows that the śloka quoted by the Nirukta might have been contained in some Smṛti work like the extant Manusmṛti. Vide Manu IX. 133 and 139 for the underlying idea that there is no difference between the son's son and the daughter's son and therefore between son and daughter.

As stated in Gautama, Manu, Yāj. and others, Śruti and Smṛti are the most authoritative sources of Dharma and Manusmṛti II. 10 states that Smṛti is Dharmaśāstra. This last in a broad sense comprises the Gṛhya and Dharmasūtras, metrical smṛtis like those of Manu, Yāj. Bṛhaspati, Parāśara, commentaries on them and digests (nibandhas).

antiquity will have to be predicated for them. The high antiquity of works on *dharmaśūtra* follows from other weighty considerations. It will be seen later on that the extant *dharmaśūtras* of Gautama, Baudhāyana and Āpastamba certainly belong to the period between 600 to 300 B. C. Gautama<sup>48</sup> speaks of *dharmaśūtras* and the word *dharmaśūtra* occurs in Baudhāyana also (IV. 5.9). Baudhāyana speaks of a *dharma-pāṭhaka* (I. i. 9.). Besides, Gautama quotes in numerous places the views of others in the words 'ityeke' (e. g. II. 15, II. 58, III. 1, IV. 21, VII. 23). He refers to Manu<sup>49</sup> in one place and to 'Ācāryas' in several places (III. 35, IV. 18). Baudhāyana mentions by name several writers on dharma, viz. Aupajāṅghani, Kātya, Kāśyapa, Gautama, Maudgalya and Hārta. Āpastamba also cites the views of numerous sages such as those of Eka, Kaṇva, Kautsa, Hārta and others. There is a Vārtika which speaks of Dharmaśāstra<sup>50</sup>. Jaimini speaks of the duties of a Śūdra as laid down in the dharmaśāstra<sup>51</sup>. Patañjali shows that in his days *dharmaśūtras* existed and that their authority was very high, being next to the commandments of God<sup>52</sup>. He quotes

48 गौ. ध. सू. 9. 21 'तस्य च व्यवहारो वेदो धर्मशास्त्राण्यङ्गानि उपवेदाः पुराणम्'.  
The words पृथग्धर्मविदस्त्रयः in गौ. ध. सू. 28. 47 appear to refer to students of धर्मशास्त्र.

49 त्रीणि प्रथमान्यनिर्देश्यानि मनुः। गौ. ध. सू. 21. 7.

50 धर्मशास्त्रं च तथा। Vide महाभाष्य vol. I, p. 242.

51 शूद्रश्च धर्मशास्त्रत्वात्। पू. मी. सू. VI. 7. 6.

52 नैवेश्वर आज्ञापयति नापि धर्मसूत्रकाराः पठन्ति अपवादैरुत्सर्गा बाध्यन्तामिति।  
महाभाष्य vol. I, p. 115 and vol. II, p. 365. पतञ्जलि quotes आम्नाश्च सिक्ताः पितरश्च प्रणिताः (vol. I. p. 14.) for which vide आप. ध. सू. I. 7. 20 3 'तद्यथात्रे फलार्थे निमित्ते छाया गन्ध इत्यनूत्पद्येते.' पतञ्जलि says 'तैले न विक्रेतव्यं मांसं न विक्रेतव्यम्' and लोमनखं स्पृष्ट्वा शौचं कर्तव्यम् (vol. I. p. 25). The words नैवेश्वर आज्ञापयति may also mean 'A king (ruler) does not command' &c. The Gaut. Dh. S. IX. 53 provides that a learned brāhmaṇa may approach a ruler for his own 'yogakṣema'. Similarly, the Mahābhāṣya itself (Vol. III. p. 7) on Vārtika 9 on Pāṇ. VI. 1. 2 has the words 'लोक ईश्वर आज्ञापयति ग्रामाद्ग्रामान्मनुष्या आनीयन्ताम्,' where 'Īśvara' can only mean 'king or ruler.' Pāṇini in I. 4. 97 (adhir-īśvare) and in II. 3. 39 uses Īśvara in the sense of ruler or owner. There is not much to choose between the two senses. If 'Īśvara' is taken to mean 'God' the meaning would be 'God (i. e. Veda, the word of God) does not order &c. Vide बृह. उप. II. 4. 10 'अस्य महतो भूतस्य निःश्वसितमेतद्यद्वेदो यजुर्वेदः सामवेदोऽथर्वाङ्गिरसः' on which the Vedāntasūtra (I. 1. 3) शास्त्रयोनित्वात् is based.



verses and dogmas that have their counterparts in the *dharma-sūtras*<sup>52a</sup>. The foregoing discussion establishes that works on the *dharmaśāstra* existed prior to Yāska or at least prior to the period 600–300 B. C. and in the 2nd century B. C. they had attained a position of supreme authority in regulating the conduct of men.

In this book the whole of the extant literature on *dharma* will be dealt with as follows :—First come the *dharma-sūtras*, some of which like those of Āpastamba, Hiraṇyakeśin and Baudhāyana form part of a larger *Sūtra* collection, while there are others like those of Gautama and Vasiṣṭha which do not form part of a larger collection ; some *dharma-sūtras* like that of Viṣṇu are, in their extant form, comparatively later in date than other *sūtra* works ; some *sūtra* works like those of Śāṅkha-Likhita and Paiṭhīnāsi are known only from quotations. Then early metrical *smṛtis* like those of Manu and Yājñavalkya will be taken up for discussion ; then later versified *smṛtis* like that of Nārada ; there are many *smṛti* works like those of Bṛhaspati and Kātyāyana that are known only from quotations. The two epics, the *Mahābhārata* and the *Rāmāyaṇa*, and the *Purāṇas* also have played a great part in the development of the *Dharmaśāstra*. The commentaries on the *smṛtis*, such as those of Viśvarūpa, Medhātithi, Vijñāeśvara, Aparārka, Haradatta will be next passed in review and then the digests on *dharma* such as the works of Hemādri, Todaramalla, Nilakaṇṭha and others.

It is very difficult to settle the chronology of the works on *dharmaśāstra*, particularly of the earlier ones. The present writer

52a. A few passages from the *Mahābhāṣya* having a striking identity or similarity to *Dharma-sūtra* texts may be cited here. (1) दूरादावसथान्मूत्रं दूरात्पादावसेचनम् । दूराच्च भाव्यं दस्युभ्यो दूराच्च कुपितादुरोः ॥ महाभाष्य (vol. I. p. 457) on वार्तिक 2 on पा. II. 3. 35 ; compare गौ. ध. सू. 9. 39, आप. ध. सू. I. 11. 31. 2, मनु IV. 151 (first half), अनुशासनपर्व 104. 82 ; (2) या ब्राह्मणी सुरापी भवति नैनां देवाः पतिलोकं नयन्ति । महाभाष्य । Vol. 11, p. 99 on वार्तिक 2 on पा. III 2. 8 ; compare वसिष्ठधर्मसूत्र 21. 11 ; (3) ऊर्ध्वं प्राणा ह्युत्क्रामन्ति यूनः स्थविर आयति । प्रत्युत्थानाभिवादाभ्यां पुनस्तान् प्रतिपद्यते ॥ महाभाष्य, vol. III. p. 58 on वार्तिक 5 on पा. VI. 1. 84, which is मनु II. 120 and अनुशासन 120. 64–65 and उद्योग 38. 1 (37. 1 in some editions) ; (4) गर्भाष्टमे ब्राह्मण उपनेय इति सकृदुपनीय कृतः शास्त्रार्थ इति कृत्वा पुनः प्रवृत्तिर्न भवति तथा त्रिहेदयंगमाभिरङ्गिरशद्वाभिरुपस्पृशेदिति सकृदुपस्पृश्य कृतः शास्त्रार्थ इति कृत्वा पुनः प्रवृत्तिर्न भवति । महाभाष्य Vol III. p. 537 on वार्तिक 4 on पा. VI. 1. 84 ; compare वसिष्ठधर्मसूत्र III. 31.

Volume and page references relate to Kielhorn's ed. of the *Mahābhāṣya*. Vide the author's paper in Prof. F. W. Thomas *Presentation* vol. pp. 128–131.



does not subscribe to the view of Max Müller (H. A. S. L. p. 68) and others that works in continuous Anuṣṭubh metre followed sūtra works<sup>53</sup>. Our knowledge of the works of that period is so meagre that such a generalisation is most unjustifiable. Some works in the continuous śloka metre like the Manusmṛti are certainly older than the Viṣṇudharmasūtra and probably as old as, if not older than, the Vasiṣṭhadharmasūtra. One of the earliest extant dharmasūtras, that of Baudhāyana, contains long passages in the śloka metre, many of which are quotations and even Āpastamba has a considerable number of verses in the śloka metre. This renders it highly probable that works in the śloka metre existed before them. Besides, a large literature on *dharma* existed in the days of Āpastamba and Baudhāyana which has not come down to us. In the absence of that literature it is futile to dogmatise on such a point.

In volumes II to V both Śrautasūtras and Gr̥hya-sūtras have been quoted and relied upon very frequently. In pp. 976-1255 of Volume II a comparatively full account was given of the Vedic sacrifices based on the Śrautasūtras. But no account of the Gr̥hyasūtras in general was given in any of the five volumes of the History of Dharmaśāstra. Therefore, a brief statement on the gr̥hyasūtras with references to some printed editions is set out below and no attempt will be made to settle their chronology. The chronology of the Dharmaśāstra given later on may be held applicable to the Gr̥hyasūtras also with some unimportant modifications. The Gr̥hyasūtras often refer to the Śrautasūtras of their schools e. g. the Āśv. Gr̥. begins 'uktāni vaitānikāni gr̥hyāṇi vāksyāmaḥ' (the Śrauta sacrifices have been already expounded; we shall now expound the gr̥hya rites). Vitāna means, acc. to Amarakośa, 'kratu' (vedic sacrifice) and 'vistāra'. Gr̥hya is derived from 'gr̥ha' (which means 'house or a shed' or 'wife' ('gr̥hiṇī gr̥hamucyate' in Śānti-parva 144.6 Ch ed.). The gr̥hya fire was set up by a man at or after marriage or on partition of inheritance. Vide Āśv. Gr̥. S. I. 6.1 (Pāṇigrahaṇād gr̥hyam paricaret), H. of Dh. Vol. II p. 678 note 1615 for other texts; Āp. Dh. S. II. 7. 17. 16 'Sarveṣu vṛtṣeṣu sarvataḥ samavādāya. prāśniyād-yādthoktam' has in view Āp. Gr̥. S. VIII.2 1. (khaṇḍa). 9. Similarly, Āp. Dh. S. I. 1. 14. 16, II. 2. 3.

53 Vide S. B. E. vol. II, p. IX, but see Goldstücker's 'Pāṇini' pp. 59, 60, 78) against Max Müller and Prof. D. R. Bhandarkar's lectures for 1918, pp. 105-107.





17, II. 2.5.4. refer to provisions in Āp. Gr. S. <sup>53a</sup> Similarly, a gr̥hyasūtra has often in view the Dharmaśūtra of its *carana*; e. g. Āp. Gr. 8. 21. 1. (māsīrāddhasyāparapakṣe yathopadeśam kālāḥ) has in view Āp. Dh. S. II. 7. 16. 4-21. It may be noted that Āp. Gr. IV. 11. 16-17 (Pālāso daṇḍo...upadiśānti) occur as Āp. Dh. S. I. 1. 2. 38. It may plausibly be argued that the extant Śrauta, Gr̥hya and Dharmaśūtras of certain *caranas* like those of Āpastamba and Baudhāyana were composed either by one and the same person or at least by father and son or grandfather and grandson and so on. But this would not be correct in the case of several Dharmaśūtras.

The gr̥hyasūtras belong to the various recensions of the four vedas. The gr̥hyasūtras translated in volumes XXIX and XXX of the Sacred Books of the East Series are in order Śāṅkhāyana, Āśvalāyana, Pāraskara, Khādīra, Gobhila, Hiranyakeśin, Āpastamba. The Dharmaśūtras translated in Sacred Books of the East Vol. II, VII and XIV are those of Āpastamba, Gautama, Viṣṇu, Vasiṣṭha and Baudhāyana. The gr̥hyasūtras belonging to the R̥gveda are : (1) Āśvalāyana gr. s., published with Nārāyaṇa's commentary by Nir. Press and in B. I. Series and with Anāvilā of Haradatta in Tri. S. S. (1923). This Gr. S. belongs to the Śākala Śākhā and the last verse in the Śākhā of the R̥g. is 'Samānīva ākūtiḥ'; (2) The Śāṅkhāyana Gr. S. (in six adhyāyas of which the last two appear to be later additions) commented upon by Nārāyaṇa and published in Indische Studien, Vol. XV. pp. 1-166, and by Dr. G. R. Sehgal with a learned Introduction (1960), New Delhi; (3) The Kauṣītaka (often written as Kauṣītaki) Gr. S. edited by Mr. Ratna Gopal Bhatta (in the Benares S. Series, 1908) and by Dr. T. R. Chintamani, Madras, 1944 with the commentary of Bhavatrāta. These two belong to the Bāśkala Śākhā of the R̥gveda, the last verse of which 'is tac-chaiṇ-yorāvṛṇīmahe.'

The Yajurveda has two recensions Kṛṣṇa and Śukla. The former has come down to us in four schools viz. Taittirīya, Maitrāyaṇīya, Kāthaka and Kapiṣṭhala-kāthā. The number of Śrauta and Gr̥hya-sūtras belonging to the Kṛṣṇayajurveda is large. The more important of the Gr. Sūtras are (1) Baudhā-

53 A आप. गृ. I. 1. 19. (पवित्रयोः संस्कार आयामतः परीमाणं प्रोक्षणीसंस्कारः पात्रप्रोक्ष इति दर्शपूर्णमासस्तूष्णीम्). This extends four matters from the Āp. Śr. (I. 11. 7., I., 11. 6, I. 11. 9 and I. 11. 10 respectively) to gr̥hya rites.



yana Gr. S. ( published in Mysore Government's Oriental Library Series, 1920 ); ( 2 ) Bhāradvāja Gr̥hya ( in three *praśnas* ) edited by Dr. Henriette J. W. Salomons at Leiden, who gives extracts from the Bhāṣyakāra of that sūtra; ( 3 ) Āpastamba-gr̥hyasūtra edited by Prof. M. Winternitz ( Vienna, 1887 ) with copious extracts from the commentaries of Haradatta and Sudarśanācārya and in the Mysore Government Oriental Library Series and in Kashi S. Series with com. Gr̥hyatātparya-darśana of Sudarśanācārya; vide P. K. Gode about this last in ABORI ( 1956 ), vol. 37 p. 55. The Mantras required are collected in a collection called Mantrapāṭha<sup>53b</sup> edited by M. Winternitz ( Oxford, 1897 ).

( 4 ) Hiranyakesigr̥hya ( also known as Satyāśādha Gr. S. ) edited by Dr. Kirste at Vienna, 1889, with extracts from the com. of Māṛdatta and in the Ānan. S. Series. The Mantras are given in full in the Gr. S. itself;

( 2 ) The Mānava-gr̥hyasūtra ( also called Maitrāyaṇiya-Mānavagr̥hya ) edited by Dr. Knauer and in the G. O. Series with Aṣṭāvakra's bhāṣya; the sūtra is divided into two parts called *puruṣa*; the bhāṣya calls the work Pūraṇa and ascribes it to Mānavācārya;

( 6 ) Vaikhānasa-smārta-sūtra in ten praśnas, 7 on gr̥hya and 3 on dharma—published at Kumbhakonam in 1914, and by Dr. Caland in B. I. Series with English translation ( 1927 and 1929 ). The Mantras<sup>53c</sup> required are indicated by the opening words only ( pratikas ).

53 b This mantrapāṭha was most probably compiled before the Gr̥hyasūtra as it forms praśnas 25 and 26 of the Āpastambīya-kalpa and as the Āp. Gr̥hya forms only the 27th praśna.

53 c The Ait. Br. ( adhyāya 3, khaṇḍa 5 ) states ' etadvai yajñasya samṛddham yad-rūpasamṛddham yat karma kriyamāṇam ṛg-abhivadatīti, ' The Nirukta ( I, 16 ) quotes this passage but the words ' yajur-vā ' after ' ṛg ' . are added in mss. and editions. Jaimini affirms that there is no difference in the meanings of words employed in the Veda and ordinary life ( P. M. S. I 2. 32 ' aviśiṣṭastu vākyārthaḥ ' ) and Śābara remarks on this that mantras are recited in sacrifices for the purpose of conveying the meaning of what is being done ( arthapratyāyanārtham-eva yajñe mantroccāraṇam ). In this connection, vide Prof. M. V. Apte's paper ' The Ṛgveda mantras in their ritual setting in the gr̥hyasūtras ' published in the Bulletin of the D. C. R. I. ( Poona ) Vol. I. pp 14-44 and 127-152 and also his paper in Prof. Kunhan Raja Presentation Vol. pp. 233-240 where he concludes that the word mantra in the gr̥hyasūtras came to have an extended meaning so as to comprise all types of liturgical formulae, metrical or prose &c.; vide H. of Dh. V. pp. 1220-1223 about Vedic Mantras,





(7) Kāthakagr̥hyasūtra, also called Carakagr̥hya, Laugākṣi gr̥hya or Cārāyaṇīyagr̥hya, edited by Dr. Caland in D. A. V. College Series at Lahore in 1925 with extracts from three commentaries, viz. Vivaraṇa of Ādityadarśana, Paddhati of Brāhmaṇa-bala and bhāṣya of Devapāla. Kashmirian tradition ascribes the work to Laugākṣi.

(8) Vārāha-gr̥hya-sūtra. It belongs to the Vārāha sub-division of Maitrāyaṇīyas. Many of its sūtras occur also in Mānava-gr̥hya-sūtra and Kāthakagr̥hya. It was published in the G. O. Series (1920) and by Dr. Raghuvira (1922, Lahore).

(9) Agniveśa-gr̥hyasūtra, published in the Chowkhamba S. S., Vārāṇasī.

The Gr̥hyasūtras belonging to the Śukla Yajurveda (Mādhyandina and Kāṇva recensions) are :

(i) Pāraskara-gr̥hyasūtra (also called Kātiya gr̥. s.) in three kāṇḍas; edited by Stenzler at Leipzig in 1876, printed with several commentaries both in the Kashi S. Series and by the Gujarati Press in Bombay. This gr̥hya has probably the largest number of commentaries, the earliest being those of Bharṭṛyajña<sup>53d</sup> and Karka (called Bhāṣya).

I am inclined to hold that Pāraskara is another name of Kātyāyana, 'Pāraskara-prabhṛtīni; ca samjñāyām' Pāṇ. VI. I. 157, on which the Mahābhāṣya says 'Pāraskaro deśaḥ'; Kātyāyana came probably from that country and was called Pāraskara also. Nāgojibhaṭṭa and other writers have assigned other meanings to that word by saying 'pāram karoti Pāraskaraḥ.'

(ii) Baijavāpagr̥hya:—vide Proceedings and Transactions of the 4th Oriental Conference at Allahabad, Vol. II pp. 59-67 where Pandit Bhagavad-datta gives a good deal of information and puts together on pp. 63-67 passages of Baijavāpa-gr̥hya from 14 medieval works. Kumārilabhaṭṭa in Tantravārtika on P. M. S. I. 3. 11 appears to refer to the work of Baijavāpa (or-pi)<sup>53e</sup>.

53 d Vide, for an incomplete ms. of Bharṭṛyajña, Catalogue of S. Mss of the Asiatic Society of Bengal, Vol. II. No. 1023 and I. H. Q. Vol. XII pp. 494-503, where it is shown that Karka knew Bharṭṛyajña.

53 e आश्वलायनकं सूत्रं वैजवापिकृतं तथा । द्राह्मण्यणीय-लाटीय-कात्यायनकृतानि च । तन्त्रवार्तिके on पू. मी. I. 3. 11, p. 229 (Ānan. ed.).

It is possible that the reference here may be to the Śrauta<sup>of</sup> Gr̥hyasūtra of Baijavāpi or to both, just as we have a śrauta sūtra and a gr̥hyasūtra of Āśvalāyana.



The gr̥hyasūtras belonging to the Sāmaveda are :

(1) Gobhilagr̥hyasūtra, published in the B. I. series ; published in the Calcutta Sanskrit series with the com. of Nārāyaṇa, edited by Chintāmaṇi Bhaṭṭācārya (1936). The mantras required in gr̥hya rites are collected in a Mantra-brāhmaṇa and the sūtra mentions only the opening words, but where the mantras are not contained in the Mantra-brāhmaṇa they are quoted in full ; this mantrapāṭha called Mantra-brāhmaṇa was most probably compiled before the Gobhila Gr̥. S.

(2) The Khādiragr̥hya-sūtra, published in the Mysore Govt. Library Series with the com. of Rudraskanda, son of Nārāyaṇa. This is based on the Gobhila Gr̥. S. and is an abridgement of it ;

(3) Jaiminiya-gr̥hya-sūtra, edited by Dr. Caland in the Punjab Oriental Series (1922) ;

(4) The Drāhyāyana-gr̥hya-sūtra (published in Ānan. series, Poona).

The Atharvaveda has the Kauśika-sūtra as its Gr̥hya, which was edited by Prof. Bloomfield. Vide Prof. Belvalkar Presentation Vol. pp. 28-33 for a paper by Mr. C. G. Kashikar for corrections in it and a paper 'Kauśikasūtra and the Atharvaveda' by Prof. Edgerton in F. W. Thomas Presentation Vol. pp. 78-81. There are several commentaries on it. It devotes a large part of it to *utpātas* and *śūntis*.

#### 4. The Dharmasūtras

It seems that originally many, though not all, of the *dharma-sūtras* formed part of the Kalpasūtras and were studied in distinct *sūtracaraṇas*. Some of the extant dharmasūtras here and there show in unmistakable terms that they presuppose the Gr̥hyasūtra of the *caraṇa* to which they belong. Compare Āp. Dh. S. I, 1. 4. 16 with Āp. Gr̥. S. I. 12 and II. 5 ; and Baud. Dh. S. II. 8. 20 with Baud. Gr̥. S. II. 11. 42 (and other sūtras).<sup>54</sup> The Dharmasūtras belonging to all sūtracaraṇas have not come down

<sup>54</sup> अग्निमिद्ध्वा परिसमूह्य समिध आदध्यात् सायं प्रातर्यथोपदेशम् । आप. ध. सू. I. 1. 4. 16 ; अग्निमिद्ध्वा प्रागग्रैर्देभैरग्निं परिस्तृणाति । आप. गृ. I. 12 and इध्मादायाघारावाधारयति दर्शपूर्णमासवत्तूष्णीम् । आप. गृ. II. 5 ; शेषमुक्ता मष्टकाहोमे ( बौ. ध. सू. II. 8. 20 ) refers to बौ. गृ. II. 11. 42 ; मूर्ध्वलोकनासाग्रप्रमाणा याज्ञिकस्य वृक्षस्य दण्डाः ( बौ. ध. सू. I. 2. 16 ) refers to बौ. गृ. II. 5. 66 and other places where पलाश is one of the याज्ञिक trees.



to us. There is no dharmasūtra completing the Āśvalāyana Śrauta and Gr̥hyasūtras; no Mānavadharmasūtra has yet come to light, though the Mānava Śrauta and Gr̥hya sūtras are extant; in the same way we have the Śāṅkhāyana Śrauta and Gr̥hya sūtras, but no Śāṅkhāyanadharmasūtra. It is only in the case of the Āpastamba, Hiranyakeśin and Baudhāyana Sūtracarāṇas that we have a complete *kalpa* tradition with its three components of Śrauta, Gr̥hya and Dharma sūtras. The Tantravārtika of Kumārila contains very interesting observations on this point. It tells us that Gautama (dharmasūtra) and Gobhila (gr̥hyasūtra) were studied by the *Chandogas* (Sāmavedins), Vasiṣṭha (dharmasūtra) by the R̥gvedins, the dharmasūtra of Śāṅkha-Likhita by the followers of Vājasaneyasaṁhitā and the sūtras of Āpastamba and Baudhāyana by the followers of the Taittirīya Śākhā<sup>55</sup>. The Tantravārtika (p. 179) establishes it as a *siddhānta* (on Jaimini I. 3. 11) that all the *dharma* and *gr̥hya* sūtras are authoritative for all Aryan people. From this it appears that, although originally all sūtracarāṇas might not have possessed dharmasūtras composed by the founder of the *carāṇa* or ascribed to him, yet gradually certain dharmasūtras were specially taken over or appropriated by certain *carāṇas*. As the *dharmasūtras* were mostly concerned with rules about the conduct of men as members of the Āryan community and did not deal with ritual of any kind, all *dharmasūtras* gradually became authoritative in all schools.

The *dharmasūtras* were closely connected with the *gr̥hyasūtras* in subjects and topics. Most of the Gr̥hyasūtras treat of the sacred domestic fire, the divisions of Gr̥hya sacrifices, the regular morning and evening oblations, sacrifices on new and full moon, sacrifices of cooked food, annual sacrifices, marriage, *pūṁsavana*, *jātakarma*, *upanayana* and other *samskāras*, rules for students and *snātakas* and holidays, *śrāddha* offerings, *madhuparka*. In most cases the Gr̥hyasūtras confine themselves principally to the various events of domestic life; they rarely give rules about the conduct of men, their rights, duties and responsi-

55 तन्त्रवार्तिक p. 179 'पुराणमानवेतिहासव्यतिरिक्तगौतमवसिष्ठशङ्खलिखितहारीताप-  
स्तम्बबौधायनादिप्रणीतधर्मशास्त्राणां गृह्यग्रन्थानां च प्रातिशाख्यलक्षणवत्प्रतिचरणं  
पाठव्यवस्थोपलभ्यते। तद्यथा गौतमीयगोभिलीये छन्दोगैरेव परिगृहीते। वासिष्ठं  
बहुचैरेव शङ्खलिखितोक्तं च वाजसनेयिभिः। आपस्तम्बबौधायनीये तैत्तिरीयैरेव  
प्रतिपन्ने। एवं तत्र तत्र गृह्यव्यवस्थाभ्युपगमादि दर्शयित्वा विचारयितव्यम्। किं  
तानि तेषामेव प्रमाणान्युत सर्वेषाम्। (on पू. मी. सू. I. 3. 11).



bilities. The dharmasūtras also contain rules on some of the above topics such as marriage and the saṁskāras, rules for Brahmacharya and snātakas and holidays, on śrāddha and madhuparka. It is therefore not to be wondered at that in the Āpastamba-gr̥hyasūtra the topics of the duties of the Brahmachārin and of the house-holder, of *atithis* and of *śrāddha* are meagrely treated as compared with the Āpastamba-dharmasūtra. The dharmasūtras very rarely describe the ritual of domestic life; they merely touch upon it; their scope is wider and more ambitious; their principal purpose is to dilate upon the rules of conduct, law and custom. Some sūtras are common to both the Āpastamba-gr̥hya and the dharma-sūtra<sup>56</sup>. Sometimes the gr̥hyasūtra appears to refer to the dharmasūtra<sup>57</sup>. There are certain points which distinguish the dharmasūtras (the more ancient of them at least) from smṛtis: (a) Many dharmasūtras are either parts of the Kalpa belonging to each sūtracarana or are intimately connected with the gr̥hyasūtras. (b) The dharmasūtras sometimes betray some partiality in their Vedic quotations for the texts of that Veda to which they belong or in the caranas of which they are studied; (c) The authors of the (older) dharmasūtras do not claim to be inspired seers or superhuman beings<sup>58</sup>; while the other smṛtis such as those of Manu and Yājñavalkya are ascribed to Gods like Brahmā. (d) The *dharmasūtras* are in prose or in mixed prose and verse; the other smṛtis are in verse. (e) The language of the *dharmasūtras* is generally more archaic than that of the other smṛtis. (f) The *dharmasūtras* do not proceed upon any orderly arrangement of topics, while the other smṛtis (even the oldest of them, viz. Manusmṛti) arrange their contents and treat of the subjects under three principal heads viz. *ācāra*, *vyavahāra* and *prāyaścitta*; (g) Most of the *dharmasūtras* are older than most of the other smṛtis.

Many of the technical terms used in the Gr̥hyasūtras and Dharmasūtras are derived from the Saṁhitās, Brāhmaṇas and Śrautasūtras e. g. the following few technical words which occur in the Gr̥hya and Dharma sūtras are so derived and references

56 e. g. पालाशो दण्डो ब्राह्मणस्य...इत्यवर्णसंयोगेनैक उपदिशन्ति । आप. गृ. IV. 17. 15-16 and आप. ध. I. 1. 2. 38.

57 e. g. the आप. गृ. says 'मासि श्राद्धस्यापरपक्षे यथोपदेशं कालः' (VIII. 21. 1). This has in view आप. ध. सू. II. 7. 16. 4-22.

58 Compare गौ. ध. I. 3-4 and आप. ध. सू. I. 2. 5, 4. 'तस्मादृषयोऽवरेषु न मायन्तः नियमातिक्रमात्' and आप. ध. सू. II. 6. 13. 9 तदन्वीक्ष्य प्रयुज्जानः सीमां चरन्तः

are given in the H. of Dh. Vol. II where they are explained; āghārau (p. 1051 n. 2360), Ājyabhāga (p. 1059 n. 2371), Abhi-ghāraṇa (p. 528 n), Avadāna (528, 1061 n), Upastaraṇa (p. 1061 n), Pavitra (211 n., 1021 n), Paryagnikaraṇa (p. 1120 n), (Pranītā p. 1022-23), Pratyabhighāraṇa (p. 1053 n). The Āp. Dh. S. (I. 4. 12. 10) makes the interesting statement "religious rites were declared in the Brāhmaṇas, the texts of those rites have been lost, (but those texts) can be inferred from the actual performance (of the rites that are in vogue): 'brāhmaṇoktā vidhayas-tesām utsannāḥ pāṭhāḥ prayogād-anumīyante'. This shows that an early writer like Āpastamba (who flourished some centuries before the Christian era) was aware that Brāhmaṇa works had once described many of the grhya rites, but that in his day such Brāhmaṇa texts had been lost.

### 5. The Dharmasūtra of Gautama.

This has been printed several times (there is Dr. Stenzler's edition of 1876, the Calcutta edition of 1876, the Ānandāśrama edition with the commentary of Haradatta, and the Mysore Government edition with the bhāṣya of Maskarin; it was translated by Bühler in S. B. E., Vol. II. with an introduction). The Ānandāśrama edition of 1910 which is incorrect in a few places (e. g. 21. 7) has been used in this work. This dharmasūtra is, as we shall see, the oldest of those we have. The Gautama-dharmasūtra was specially studied by followers of the Sāmaveda (see note 55 above). The commentary on the Caranavyūha tells us that Gautama was one of the nine sub-divisions of the Rāṇāyaṇīya school of the Sāmaveda. A teacher Gautama is mentioned frequently in the Lāṭyāyanaśrautasūtra (e. g. I. 3. 3 and I. 4. 17) and in the Drāhyāyanaśrauta (e. g. I. 4. 17, IX. 3. 15) of the Sāmaveda. The Gobhilagrhya (III. 10. 6) which belongs to the Sāmaveda cites Gautama as an authority. Therefore it is not improbable that a complete Gautamasūtra embodying Śrauta, Grhya and Dharma doctrines once existed. There are other indications pointing to the close connection of the Gautamadharmasūtra with the Sāmaveda. Chapter 26 of the dharmasūtra about *Kṛcchra* penance is the same, almost word for word, as the Sāmavidhāna<sup>59</sup> Brāhmaṇa (I. 2, Burnell's ed.).

59 There are, however, considerable divergences; e. g. गौ. ध. स. 26.10-12

are 'आपो हि श्रेति तिसृभिः पवित्रवतीभिर्मर्जयित हिरण्यवर्णाः कुक्षयः पावका इत्यष्टाभिः। अथोदकतर्पणम्। नमोहमाय &c. while the सामविधानम् अपो .

(Continued on next page)



Among the purificatory texts ( 21 in number ) mentioned in Gau. Dh. S. ( 19. 12 ) there are nine that are Sāmans. The mention of the five utterances ( ' Vyāhrtis ' ) resembles the number in the Vyāhrtisāma<sup>60</sup> though the order is different. It is, however, to be noted that Gautama is a generic name. In the Kāthopaniṣad, both Naciketas ( II. 4. 15, II. 5. 6 ) and his father ( I. 1. 10 ) are styled Gautama. In the Chāndogyopaniṣad there is a teacher Hāridrumata Gautama ( IV. 4. 3 ).

Dr. Ram Gopal in his Ph. D. thesis ' India ' of Vedic Kalpa-sūtras ' ( 1959 ) charges me ( on p. 53 ) with being inconsistent as regards the Gautama-dharmasūtra. This book is probably his first serious work on ancient Sanskrit literature and society and I am afraid that he is more dogmatic in several conclusions of his than the facts warrant. About Gautama Dharmasūtra I made ( in the first edition of the H. of Dh. Vol. I published so far back as 1930 ) two points viz. ( 1 ) that it was originally an independent work and not attached to any particular Vedic Śākhā ; ( 2 ) that it was subsequently adopted by Sāmavedins as their Dharmasūtra probably because it contained a few indications of leanings towards the Sāmaveda. I pointed out some of those indications, but also showed that Gautama's name was connected with the Kāthas of the Kṛṣṇa Yajurveda also, as in the Kāthopaniṣad both Naciketas and his father are referred to as Gautama and because the Tantravārtika ( about 650-700 A. D. ) asserted that Gaut. Dh. S. was accepted or adopted by the Sāmavedins as their Dharmasūtra. I could have added many other matters in support of my theory but thought that it was unnecessary to do so. The duty of all scholars when dealing with ancient works or matters more than a thousand years old is to marshall the necessary or available facts with honesty and, if they do not all point to the same conclusion, to declare, if possible, one's

( Continued from last page )

हिष्ठीयाभिरथोदकतर्पणं नमोहमाय'. गौ. ध. सू. 26. 12 contains many additions.

Wherever there is divergence, it is generally Gautama that amplifies the passages found in the सामविधान.

- 60 गौ. ध. सू. I. 52 ओपूर्वा व्याहृतयः पञ्च सत्यान्ताः; again in गौ. ध. सू. 25. 8 we have प्रतिषिद्धवाङ्मनसापचारे व्याहृतयः पञ्च सत्यान्ताः; and in गौ. 28. 8 the five व्याहृतिs seem to be भूः, भुवः, स्वः, तपः सत्यं. As हरदत्त remarks the five व्याहृतिs in व्याहृतिग्राम are भूः, भुवः, स्वः सत्यं, पुरुषः. The व्याहृतिs are generally declared to be seven ( तै. आ. 10. 28. 1 ), the first three being महाव्याहृतिs ( vide मनु II. 81. )





opinion in favour of one probability as against another. There is no inconsistency in doing this and it is always possible that different scholars may hold widely divergent views about the age and other matters relating to a writer or work (particularly an ancient one). I need cite only one example. The Arthaśāstra of Kauṭilya has been available in print for half a century. There are hundreds of papers and books on various aspects of the Arthaśāstra. Yet on the question of the age of the Arthaśāstra depending on the same materials there are at least two divergent views, some scholars assigning it to 300 B. C. (Jacobi, Sham Shastri and Jayaswal), while others like Jolly and Winternitz bring down the work to 300 A. D.

Now that the charge of inconsistency has been made against me, I should like to say something more here. Gotama is a famous ṛṣi in the R̥gveda. The name occurs at least eighteen times in the R̥gveda mantras and is employed in almost all cases (from nominative to vocative). Rahūgaṇa Gotama is the ṛṣi of R̥gveda I. 74-93 and the word Rahūgaṇāḥ (plural) occurs in R̥g. I. 78. 5. Nodhā Gautama is the ṛṣi of hymns 58-64 of R̥gveda I and of hymn 88 of R̥g. VIII. Nodhāḥ (vocative) occurs in R̥g. I. 64. 1. Nodhāḥ Gotama occurs in R̥g. I. 62.13 and Nodhāḥ (nom. sing.) in R̥g. I. 61.14, I. 124. 4. Vāmadeva Gautama is the sage of almost all hymns in R̥gveda-maṇḍala IV (viz. hymns 1-41 and 45-48). In R̥g. IV. 4. 11 Vāmadeva speaks of Gotama as his father. It is well-known that the verses of the Sāmaveda are taken from the R̥gveda (except about 75). In the Index of the words in the Sāmaveda, prepared and published in the Nirṇaya-sagara Press by the Swamis Vishveshvarananda and Nityananda in 1908, the words Gotama, Gautama, Nodhas, Vāmadeva and Rahūgaṇa do not occur at all. In the two Vamśas attached to Br. Up. II. 6. 1 and IV. 6. 2, the name of Gautama occurs thrice among the 60 generations or so from Brahman (n.) to Pautimāśya. It is rather remarkable that Śvetaketu Āruṇeya's father is addressed as Gautama by Pravāhaṇa Jaivali in Br. Up. VI. 2. 4-13. It may further be noted that in the daily *tarpaṇa* (satiating with water) of gods, sages and pitṛs, (as required by Manu II. 176 also), the Āśv. Gr̥ III. 1. 5. mentions several <sup>60a</sup>

60 a The ṛṣis (in *tarpaṇa*) are mentioned in Āśv. Gr̥ III by groups; one is that of the reputed sages of the Maṇḍalas of R̥gveda and then comes another group in the words—'Sumantu-Jaimini...Dharmācāryāstr-pyantu', Then there is another group 'Jānanti-Bāhavi-Gārgya-Gautama-Śākalya-Bābhavya-Māṇḍavya-Māṇḍūkeyās-ṛpyantu'. Vide H. of Dh. Vol. II. pp 689-695 for *tarpaṇa* in detail.



sages among whom Gautama is mentioned. But in the tarpaṇa for Sāmavedins now followed the sages to whom water is offered are only thirteen viz. Rāṇāyana, Śātyamugra, Vyāsa, Bhāguri, Aulundī, Gaulgulavi, Bhānumānaupamanyava, Kārāti, Maśaka Gārgya, Vāṛsaganya, Kuthuma, Śālihotra, Jaimini; and it ends 'trayodaśaite me Sāmagācāryāḥ svasti kurvantu tarpitāḥ'; vide Sanskrit Intro. to Shri Satavlekar's edition of Sāmaveda Samhitā p. 6. It would be noticed that, though Jaimini is mentioned in it, Gautama is not.

As compared with the number of Śrautasūtras and Grhyasūtras of the Vedas there is a paucity of Dharmasūtras. It is well-known that at present there are only a few Vaidikas of the Sāmaveda in the whole of India and some large tracts of India have no Vaidikas of Sāmaveda at all. Probably the Sāmavedin Vaidikas must have been much less in numbers even in ancient and medieval times as compared with the Vaidikas of the R̥gveda and the Yajurveda. Even supposing that there was some Dharmasūtra of the Sāmaveda composed some centuries before Christ, gradually it might have faded out and the small number of Sāmavedins that still existed in scattered parts of India adopted the Gautama Dharmasūtra which as shown above shows some Sāmaveda connections.

The Gautama Dharmasūtra appears to have been held in high esteem by Kumārila, as in his Tantravārtika he quotes or clearly refers to Gautama Dh. S. at least a dozen times, but quotes Āp. Dh. S. and Baudhāyana Dh. S. only a few times; vide the author's paper on 'Tantra-vārtika and Dharmasāstra Works' in JBBRAS, New Series Vol. I. (1925) pp. 95-102. Kumārila remarks that the two Sūtras (P. M. S. I. 3. 15-16) <sup>60b</sup> deal with the question whether the (several) Grhyasūtras and Gautama and other (Dharmasūtras) are restricted in application or are all-embracing and then comes the passage set out in note 55 above, where after excluding Purāṇas, Mānava (i. e. the Manusmṛti) and Itihāsa (i. e. Mahābhārata) he starts with Gautama as the first in enumerating the Dharmasūtras and remarks that Gautamiya (Dharmasūtra) and Gobhiliya (i. e. Gobhila-

60 b आद्यं सूत्रद्वयं यावदिदमप्यत्र चिन्त्यताम् । गृह्य-गौतमसूत्रादिव्यवस्था-सर्वगामिते । तन्त्रवा० Vol. I pp. 243-244 (Ānan. ed.) and कुमारिल proceeds 'मानवेतिहासव्यतिरिक्त-गौतम-वसिष्ठ-शङ्खलिखित-हारीत-आपस्तम्ब-बौधायनादि धर्मशास्त्राणां गृह्यग्रन्थानां' etc.





grhyasūtra) are accepted or adopted by the Chandogas (i. e. Sāmavedins). The word 'parigrhita' employed by Kumārila is very suggestive. One is said to adopt or accept what was at one time not one's own. Adoption of a son is called 'Putraparigraha' and marriage is called 'dāraparigraha.'

Not only Kumārila but an earlier famous writer on Logic and Philosophy viz. Dharmakīrti in his Nyāyabindu appears to suggest that Gautama was chief among the exponents of Dharmaśāstra.<sup>60c</sup>

Dr. Ram Gopal relies (on p. 52) mainly on two circumstances, viz (1) that chapter 26 of Gaut. Dh. S. dealing with expiations called Kṛcchras is identical with Sāmavidhāna Br. I. 2 and argues that it is not unreasonable to assume that the Gautama-dharma-sūtra borrowed it from that Brāhmaṇa; (2) that the majority of the purificatory texts prescribed in Gaut. Dh. S. (19. 13) belong to the Sāmaveda. I shall discuss the second point first. The relevant sūtra is set out in the note in transliteration and with explanations in some cases.<sup>60d</sup>

60 c सन्दिग्धसाधनव्यतिरेको यथा-न त्रयीविदा ब्राह्मणेन ग्राह्यवचनः कश्चित्पुरुषो रागादि-  
मत्त्वादिति । अत्र वैधर्म्योदाहरणम् । ये ग्राह्यवचना न ते रागादिमन्तः । तद्यथा ।  
गौतमादयो धर्मशास्त्राणां प्रणेता इति गौतमादिभ्यो रागादिमत्त्वस्य साधनधर्मस्य  
व्यावृत्तिः । न्यायबिन्दु (3rd pariccheda p. 127) pub. in the Kashi  
S. Series, 1924 and also in the Bibliotheca Buddhica. vol. VII  
No 132 (1918), ed. by Pandit Rāhula Sāṅkṛtyāyana, who in his Intro.  
p. VIII to the *Vādanyāya* of Dharmakīrti published in J. B. O. R. S.  
vol XXI holds that 625 A. D. is the latest date for Dharmakīrti.

60 d (1) Upaniṣads, (2) Vedāntāḥ, (3) Sarva-chandssu Saṁhitāḥ  
(Saṁhitā texts of all the Vedas), (4) Madhūni (either Tai. Ār. X.  
38 'brahma metu mām' or the three verses beginning with 'Madhu  
vātā' in Rg. I. 90. 6-8 and in Tai. S. IV. 2. 9 and Vāj. S. XIII.  
27-29), (5) Aghamarṣaṇa i. e. Rg. X. 90. 1-3; (6) Atharvaśiras  
(a small Upaniṣad of about four printed pages) beginning with  
'devā ha vai svargam lokam-āyan &c); (7) Rudrāḥ, eleven *anuvākas*  
of Tai. S. IV. 5. 1-11 beginning with 'namas-te Rudra manyave');  
(8) Puruṣasūkta (Rg. X. 90); (9)-(10) Rājata (v. l. Rājana) and  
Rauhiṇa Sāmans which are sung on the ṛk 'Indram naro' Rg. VII.  
21. 1, Sāmaveda Pūrvārcika 233); (11-12) Bṛhat-sāma and Rathantar,  
which are respectively sung on 'tvām-iddhi havāmāhe' (Rg. VI. 46. 1.  
Sāma, Pūrvārcika 234) and on 'Abhi tvā sūra' (Rg. VII. 32. 22,  
Sāma, Pūrvārcika 233); (13) Puruṣagati sung on the ṛk 'ahamasmi  
prathamajā' (Sāmaveda, Āraṇyakāṇḍa 594); (14) Mahānāmni  
verses (verses beginning with 'Vidā maghavan vidā' (Ait. Āraṇyaka  
IV. 1 ff and Sāmaveda, Mahānāmnyārcika, 641-650); (15) Mahāvārāja

(Continued on next page)



The most important matter about this passage is that the whole of Gaut. Dh. S. chap. 19 (not merely one sūtra or sentence beginning with the word 'Upaniṣadaḥ') is identical with Baud. Dh. S. III. 4 (except a few variations) and also with Vas. Dh. S., Chap. 22 (except a few items). It may be argued that all three borrow from a common source and that such borrowing of a whole chapter cannot alter the character of the three sūtra works. We have to find that source—that is all; but even if we find it, the Baud. Dh. S. still belongs to the Kṛṣṇa Yajurveda and Vas. Dh. S. is the Dh. S. for R̥gvedins according to Kumā-rila. In view of the fact that Baud. Dh. S. (I. 1.25) mentions Gautama's views as set out a little later it is most likely that Baud. Dh. borrows from Gaut. Dh. S. the passage about expiations.

Dr. Ram Gopal is rather inaccurate when he says (p. 52) that the majority of the purificatory texts are from the Sāmaveda. Restricting oneself only to the number of texts specified (which are 21) there are only ten texts that are Sāmavedic (essentially nine only as Rathantara and Br̥hat are two consecutive verses of the Sāmaveda, Pūrvāroika). But there are other important details of this sūtra that deserve consideration. The first purificatory text is Upaniṣads, which are enormous in extent as compared with the Sāman texts and all the Vedic Samhitās are several thousand times more extensive than all the specified Sāmans. Therefore, this argument comes practically to nothing as proof of the assertion that the Gaut. Dh. S. was from the first affiliated to the Sāmaveda. The other argument about one chapter (26) being borrowed from Sāmavidhāna Br̥. leads nowhere. If the Baudhāyana Dh. S. even after borrowing a chapter from another source, does not cease to be a sūtra of the Kṛ. Yajurveda, there is no reason why the same reasoning cannot hold good as to the Gaut. Dh. S. Dr. Ram Gopal refers (on p. 53) to passages from Lātyāyana (I. 3. 3, I. 4. 7) and

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Sāman (sung on 'Pibā Somam' R̥g. VII. 22. 1 and Sāmaveda, Pūrvār-cika 398); (16) Mahādivākīrtiya (sung on R̥g. X. 170 1, Sāmaveda, Āraṇya 628); (17) One of the Jyeṣṭhasāmans (various ṛk verses are put forward on which they are to be sung); (18) Bahiṣpavamāna (sung on R̥g. IX. 11. 1, Sāmaveda, Uttarārcika 651); (19) Kūṣmāṇḍāni (mantras from Tai. Ār. II. 3-5); (20) Pāvamānyaḥ (verses from 9th Maṇḍala of the R̥gveda); (21) Sāvitrī (R̥g. III. 62. 10). For further details about these 21 texts, vide H. of Dh. Vol. IV pp. 45-46 note 107. Vas. Dh. S. 22 omits Nos. 11-18 and Baud. Dh. S. omits No. 18.



Drāhyāyana ( II. 3. 15 ) Śrautasūtras that speak of Gautama and from Gobhila Gr. ( in III. 10. 6 refers to Gautama's views on Aṣṭakā Śrāddhas ) and that certain sūtras of Gobhila Gr. agree closely with Gautama's ( p. 53 and notes p. 56 ).

From these two circumstances it does not follow at all that Gautama ( of the Dharmasūtra ) belonged to the Sāmaveda. That would be begging the question. Gobhila's is comparatively a rare name among ancient sages connected with Vedic Literature, while the name Gautama is a very ancient one, has been closely connected with the Rgveda and the Kṛṣṇa Yajurveda occurs in the tarpaṇa for Rgvedins, is quoted by Āp. Ś. S. ( I. 3. 33 ) and Baud. Dh. S. Therefore, one may say with good reason that Gobhila, Lātyāyana and others refer to or follow the views of Gautama, one of the most famous and ancient sages.

It should be noted that Gautama's views are mentioned twice in the Āś. Ś. S. The first passage refers to the controversial question of śrāddha in honour of three paternal ancestors of a person when one or two of the three are alive. This subject has been dealt with in H. of Dh. Vol. IV pp. 511 ff. The author of Āś. Śr. S. in II. 6. 16-23 states the differing views of Gāṇagāri, Taulvali and Gautama, and states his own conclusions. Similarly, Āś. Śr. S. in V. 6. 22 refers to the view of Gautama that it is the hotṛ priest that first partakes of camasa oblations in the hotṛ's vaṣatkāra. Āp. Śr. sūtra ( I. 3. 11 ) refers to the view of Gautama. These passages may lead one to conjecture that Gautama had composed a śrautasūtra also, which is not now available. We have many such instances where out of the three classes of the sūtras of a Vedic carāṇa ( viz. Śrauta, Grhya and Dharma ) often one or even two are wanting or not available. There is no Lātyāyana Grhya nor Dharma sūtra, though Lātyāyana Śr. S. exists, there is the Gobhila G. S. and the Khādira Grhya sūtra but no Gobhila or Khādira Ś. S. nor Dharmasūtra. We have Āśv. Ś. S. and G. S., Mānava Ś. S. and G. S., Drāhyāyana and Jaiminiya Ś. S. and Gr. S. but no Dharmasūtra belonging to these carāṇas. In the case of Gautama, we may make several conjectures viz. that all three classes of sūtras composed by or attributed to Gautama once existed but two of them are now not available, or that Gautama Dharmasūtra was an independent work or that the Gautama mentioned in some Śrautasūtras is different from the author of the Dharmasūtra. One thing is clear that Gautama being a gotra name was borne by



many persons from the times of the R̥gveda and that some of such persons were R̥gvedins. One solid fact is that Gautama's is the earliest of the extant Dharmasūtras (though some sūtras may be of doubtful authenticity) and the view in the present state of our knowledge that his was an independent Dharmasūtra has the greatest probability. This view would explain why the Gaut. Dh. S., though the oldest of Dharmasūtras conforms with Pāṇini's grammar far more than the Āpastamba Dh. S. and Baud. Dh. S. do. The latter two, being a compact part of the Kalpasūtra and transmitted orally from one generation to another, retained many un-Pāṇinian forms while the Gaut. Dh. S. being originally unconnected with any definite school could be easily amended according to the requirements of those memorizing or reading it. Besides, there is no direct evidence before Kumārila that Gautama was adopted by the Sāmavedins and as to how many centuries before him.<sup>60e</sup> My view is that the author of Āpastamba Dh. S. was a southerner and wrote either at a time when Pāṇini's work was not composed at all or before it spread throughout India

Writers of Sūtras sometimes refer to or quote sūtras of other schools. For example, Gautama's view (stated in XI. 20) is mentioned in the Baudhāyana Dh. S. I. 1, 25. Baud. Dh. S. stated five differences in the usages of the peoples of the south and of the north, and states the view of some that a person (of one region) if he followed the practice of another region would incur sin and that the custom in a country (southern or northern) would be authoritative in that country alone and notes that Gautama holds this latter view to be wrong. This establishes that Gautama Dh. S. came before Baud. Dh. S. (and before the earliest part of it.).<sup>60f</sup>

60 e A grant renewed by king Bhāskaravarman of Kāmarūpa originally made by his great-great-grandfather is published in E. I. Vol. 19 pp. 248-250 where the donees are named and their gotras are mentioned, such as Gautama, Kauṭilya, Maudgalya &c. The original grant must have been made in the 5th or 6th century A. D. In the same E. I. Vol. at p. 75 there is a grant of the Haihaya king Pṛthvīdeva I, which is the oldest dated Haihaya grant (corresponding to 1079 A. D.) a donee of the Bahvṛca Śākhā is said to have belonged to the Āngirasa-gotra and to have three pravaras (Ucathya-Gautama-Vasiṣṭheti triprav-arāya on p. 80). Vide E. I. Vol. 14 pp. 202 ff for a grant of Saṃvat 1150 (i. e. 1093-94 A. D.) that gives the names of about 500 donees with their gotras, the Gautamagotra being mentioned at least thirty times.

60 f पञ्चधा विप्रातिपत्तिर्देक्षिणतस्तथोत्तरतः।...इतरदितरस्मिन् कुर्वन् दुष्यतीतरदितरस्मिन्



According to Haradatta the dharmaśāstra has 28 chapters. The Calcutta edition adds one chapter on *Karmavipākā* after chapter 19. In many places Gautama unmistakably refers to his own previous dicta; e. g. Yathoktam vā (23. 16) refers to 23. 10; 23. 26 refers to 17. 8-26; 17. 18 refers to 15. 18. The following are briefly the contents of the Gautamadharmasūtra:—I. Sources of dharma, rules about interpretation of texts, time of *Upanayana* for the *varṇas*, the appropriate girdle, deer skin, cloth and staff for each *Varṇa*, rules about *śauca* and *ācamana*, method of approaching the teacher; 2 rules about those not invested with sacred thread, rules for the *brahmacūrin*, control of pupils, period of study; 3 The four *āśramas*, the duties of *brahmacūrin*, *bhikṣu*, and *vaikhānasa*; 4 rules about the house-holder, marriage, age at time of marriage, eight forms of marriage, sub-castes; 5 rules about sexual intercourse on marriage, the five great daily sacrifices, the rewards of gifts, *madhuparka*, method of honouring guests of the several castes; 6 rules about showing respect to parents, relatives (male and female) and teachers, rules of the road; 7 rules about the avocations of a *brāhmaṇa*, avocations for him in distress, what articles a *brāhmaṇa* could not sell or deal in; 8 the forty *samskāras* and the eight spiritual qualities (such as *dayā*, forbearance &c.); 9 the observances for a *snātaka* and householder; 10 the peculiar duties of the four castes, the responsibilities of the king, taxation, sources of ownership, treasure-trove, guardianship of minor's wealth; 11 *Rājadharmā*, the qualities of the king's *purohita*; 12 punishments for libel, abuse, assault, hurt, adultery and rape, theft in the case of the several *varṇas* and rules about money-lending and usury and adverse possession, special privileges of *brāhmaṇas* as to punishments; payment of debts, deposits; 13 rules about witnesses, falsehoods when excusable; 14 rules of impurity on birth and death; 15 *Śrāddha* of five kinds, persons not fit to be invited at *Śrāddha*; 16 *Upākarma*, period of Vedic study in the year, holidays and occasions for them; 17 rules about food allowed and forbidden to *brāhmaṇas* and other castes; 18 the duties of women, *nīyoga* and its conditions, discussion about

( Continued from last page )

तत्र तत्र देशप्रामाण्यमेव स्यात् । मिथ्यैतदिति गौतमः । उभयं चैव नाद्रियेत शिष्टस्मृति-  
विरोधदर्शनात् । बौ. ध. सू. I. 2. 19, 23-26. Compare गौ. ध. सू. 'देशजाति-  
कुलधर्माश्चात्मनयैरविरुद्धाः प्रमाणम् ।' XI. 20, which is quoted by कुमारिल  
in the words "स्मृतिकाराश्च 'आचारश्चैव साधूनां', 'देशजाति-प्रमाणम्'  
इति वेदाविरुद्धानामाचाराणां सामान्यतः प्रामाण्यमनुमन्यन्ते ।" तन्त्रवी 205. the  
words आचारश्चैव साधूनां are मनु II. 6.



the son born of *niyoga*; 19 the causes and occasions, of *prāyaścitta*, five things that remove sin (*japa*, *tapas*, *homa*, fasting, gifts), purificatory Vedic prayers, holy food for one who practises *japa*, various kinds of *tapas* and gifts, appropriate times and places for *japa* &c.; 20 abandoning a sinner who does not undergo *prāyaścitta* and the way of doing it; 21 sinners of various grades, *mahāpātakas*, *upapātakas* &c.; 22 *prāyaścittas* for various sins such as *brahmahatyā*, adultery, killing a Kṣatriya, Vaiśya, Śūdra, cow and other animals &c.; 23 *prāyaścitta* for drinking wine and nasty things, for incest and un-natural offences, and for several transgressions by *brahmācārin*; 24 secret *prāyaścittas* for *mahāpātakas* and *upapātakas*; 26 the penances called *Kṛcchra* and *Atikṛcchra*; 27 the penance called *Cāndrāyana*; 28 partition, *strīdhana*, re-union, twelve kinds of sons, inheritance.

The Gautama-dharmasūtra is written entirely in prose and it contains no verses either quoted or composed by the author himself, as is the case with the other *dharmasūtras*. Here and there occur sūtras that look like portions of Anuṣṭubh verses e. g. 23.27<sup>61</sup>. The language of Gautama agrees far more closely with the standard set up by Pāṇini than the *dharmasūtras* of Baudhāyana and Āpastamba. It is not very easy to account for this difference. It is obvious that commentators and generations of students that were brought up in the tradition of the Pāṇinean grammar tampered with the text and improved it in accordance with their notions of correct Sanskrit. But why this process should not have been carried out to the same extent in the case of Āpastamba it is difficult to say. A conjecture may be hazarded that the Āp. Dh. S. being a well-knit component of the Āp. *Kalpa* and being studied as such was less liable to being tampered with than the Gautama Dh. S., which probably did not in its origin belong to any particular *kalpa*. The same commentator, Haradatta, explained both Gautama and Āpastamba. Haradatta, who, as will be seen later on, was a great grammarian, shows in several places that the current reading was ungrammatical from the Pāṇinean stand-point and that he preferred readings that were in consonance with Pāṇini's rules<sup>62</sup>. There are still a few un-Pāṇinean words, e. g. in 1. 14 ( 'dvāvīmśateḥ for dvāvīm-

61 आक्रोशानृतर्हिसासु त्रिरात्रं परमं तपः ।

62 e. g. on गौ. ध. सू. 16. 21 ( ऋग्यजुषं च सामशब्दो यावत् ) he says ' ऋक् यजुश्च ऋग्यजुषम् । अचतुरेत्यादिना निपातः । पष्ठयन्तपाठस्तु ( i. e. ऋग्यजुषां ) नास्मभ्यं रोचते ; ' on गौ. ध. सू. 25. 8 ( प्रतिषिद्धवाङ्मनसापचारे ) he says ' वाङ्मनसोरिति पाठोऽस्मभ्यं न रोचते । अचतुरेति समासान्ताविधिप्रसङ्गात् ।



śāt ') and 9. 52 ( kulamkula ). The Tantravārtika ( p. 99 ) appears to discuss the various readings in Gautama ( I. 45<sup>63</sup> ). A few sūtras quoted from Gautama in the Mitākṣarā ( e. g. the sūtra ' utpatyaiva arthsvāmitvam labhante ), the Śmṛticandrikā ( dvyamśam vā pūrvajaḥ syāt ) and other works are not found in the extant text. This fact along with the fact of an interpolation of one chapter makes it clear that the present text of Gautama is of somewhat doubtful authority.

The literature known to the Gautama-dharmasūtra was extensive. Besides the Vedic saṁhitās and Brāhmaṇas it mentions the following works ; Upaniṣads ( 19. 13 ), the Vedāṅgas ( 8. 5 and 11. 19 ), Vākovākya<sup>63a</sup> and Itihāsa ( 8. 6. ), Purāṇa ( 8. 6 and 11. 19 ), Upaveda ( 11. 19 ), dharmaśāstra ( 11. 19 ). That he borrows a chapter from the Sāmavidhāna-brāhmaṇa has been mentioned above. He borrows the first six sūtras of the 25th chapter from the Taittiriya Āraṇyaka ( 11. 18 ). The Śramaṇaka ( in Gautama III. 26 ) is, according to Haradatta, the Vaikhānasa-śāstra ( either composed by Vikhanas or treating of the duties of hermits ). Gautama refers to Ānviṣikī ( 11. 3 ). The only teacher of *dharmu* he quotes by name in Manu ( in 21. 7 ), who is cited for the proposition that there is no expiation for the three sins of *brahmahatyā*, drinking wine and violation of the bed of the *guru*. Haradatta says that in the extant Manusmṛti the same propositions are laid down about *brahmahatyā* and *surāpāna* ( in Manu 11. 89 and 146 respectively ), but that as to violation of *guru-talpa* a passage from the Manusmṛti has to be searched out ( i. e. such a passage is not found there ). From this Bühler drew the conclusion that Gautama refers to the dharmasūtra attributed to Manu ( and not to any versified Manu-smṛti ). But Bühler is not right in drawing this inference. In the first place in spite of what Haradatta says there *are* verses in the extant Manusmṛti ( XI. 104-105 ) which say that death is the expiation for violation of the *guru's* bed. In the second place, there is nothing to show, even if Haradatta were correct, that Gautama refers only to a *dharmasūtra* of Manu and not to a versified work. Besides Manu, Gautama frequently quotes certain views ascribed to the ' Ācāryas '

63 It follows from the discussion in the तन्त्रवार्तिक that the ancient *pāṭha* in its day was ' लेपगन्धापकर्षणं शौचममेध्यलिप्तस्य ' while the present text has ' शौचममेध्यस्य '. Vide वसिष्ठधर्मसूत्र III. 48 which reads ' कर्षणे शौचममेध्यलिप्तस्य ' etc.

63 a The word ' Vākovākya ' occurs several times in the Chāndogya Upaniṣad ( VII. 1. 49. VII. 2. 1, VII. 7. 1 ).



(e. g. III. 35, IV. 18). What teachers are meant by the word 'Ācāryāḥ' (which occurs in the Nirukta, in Kautilya and various other works), it is difficult to say. Probably the word means 'the general traditional view of most writers in that particular śāstra on a particular point.' Vide the author's paper on 'The meaning of Ācāryāḥ' in ABORI Vol 23 pp. 206-213. In numerous places Gautama refers to the views of his predecessors in the words 'eke' (2. 15, 40 and 56, 3. 1, 4. 17, 7. 23 &c.) and 'ekesām' (28. 17 and 38). This proves that Gautama was preceded by great literary activity in the sphere of dharmasāstra. Gautama 11. 28 seems to be a reminiscence of the Nirukta (II. 3)<sup>64</sup>.

The earliest reference to Gautama as an author on dharma occurs in the Baudhāyanadharmasūtra. Baudhāyana discusses the authoritativeness of usages peculiar to the north or the south and quotes Gautama as saying that it is wrong to hold that certain customs must be held authoritative in certain countries (even though opposed to Vedic tradition and smṛti). This refers to G. Dh. S. 11. 20. In another place Baudhāyana gives it as his view that a Brāhmaṇa, if he cannot make a living by teaching, officiating as a priest or by gifts, should earn his livelihood as a Kṣatriya and quotes the views of Gautama as opposed to this<sup>65</sup>. The extant Gautama on the other hand teaches the same view as that of Baudhāyana<sup>66</sup>. Bühler made the plausible suggestion that the sūtra in the extant Gautama is an interpolation. Govindasvāmī, the commentator of Baudhāyana, suggests that another Gautama is referred to by Baudhāyana. It is possible to suggest that in the Ms. of Gautama used by Baudhāyana the sūtra about living as a Kṣatriya did not occur and the next sūtra about living as a Vaiśya alone occurred. Chapter 19 of the Gautamadharmasūtra which forms an introduction to *prāyaścittas* in Gautama seems to have been borrowed wholesale by Baudhāyana (III. 10) with slight changes. That Baudhāyana borrows follows from the fact that the chapter in Baudhāyana occurs in the middle of the discussion about *prāyaścittas* and not as an introduction, which is the case in Gautama. Baudhāyana treats of penances in several places (II. 1,

64 'दण्डो दमनादित्याहुरस्तेनादान्तान्दमयेत्.' The निरुक्त has दण्डो ददते...दमनादित्यौपमन्यवः'.

65 अध्यापनयाजनप्रतिग्रहैरशक्तः क्षत्रधर्मेण जीवेत्प्रत्यनन्तरत्वात् । नेति गौतमोत्पुत्रो हि क्षत्रधर्मो ब्राह्मणस्य । बौ. ध. सू. II. 2. 69-70.

66 याजनाध्यापनप्रतिग्रहाः सर्वेषाम् । पूर्वः पूर्वो गुरुः । तदलाभे क्षत्रवृत्तिः । तदलाभे वैश्यवृत्तिः । गौ. ध. सू. 7. 4-7.





III. 5. 10 and VI. 1. 4 ). There are, besides, many sūtras in both Gautama and Baudhāyana that exhibit a close correspondence, e. g. Gautama III. 25-34 and Baudhāyana II. 6. 17 about Vaikhānasa, Gaut. 3. 3 and 35 and Baud. II. 6. 29, Gaut. 15. 29 and Baud. II. 8. 2, Gaut. 23. 8-10 and Baud. II. I. 12-14, Gaut. 24. 2 and Baud. II. 3. 8. The Āp. Dh. S. II. 6. 15. 25 speaks of Smṛti as laying down that up to *upanayana* there is no *adhikāra* for *homa*. This probably refers to Gautama II. 1-3. The Vasiṣṭhadharmasūtra also quotes the views of Gautama in two places ( 4. 35 and 37, impurity on death ). The first refers to Gautama 14. 41 but the second cannot be traced in the extant Gautama. Chapter 22 of Vasiṣṭha is borrowed from the Gautamadharmasūtra, chapter 19. There are besides many sūtras that are the same or almost the same in Gautama and Vasiṣṭha, e. g. Gautama 3. 31-33 and Vas. 9. 1-3, Gaut. 3.26 and Vas. 9. 10, Gaut. 1. 44 and Vas.3. 37, Gaut. 1. 40 and Vas. 3. 38, Gaut. 1. 45-46 and Vas. 3. 48, Gaut. 1. 28 and Vas. 3. 49, Gaut. 14. 5-7 and Vas. 4. 24-26. Gautama is referred to in the Manusmṛti ( III. 16 ) as the son of Utathya. Gautama is one of the authors of *dharmasūtras* enumerated in Yājñavalkya ( 1. 5 ). Aparārka quotes a verse from the Bhaviṣya-purāṇa which speaks of Gautama's prohibition about drinking.<sup>67</sup> Similarly, Kullūka ( on Manu XI. 146 ) quotes a verse from the same Purāṇa which refers to Gautama 23. 2. Kumārila in his Tantravārtika quotes over a dozen sūtras from Gautama which present the same text as we have<sup>68</sup>. Gautama 11. 29 and 12. 4 are quoted by Śaṅkara in his *bhāṣya* on Vedāntasūtra III. 1. 8 and 1. 3. 38 respectively. Viśvarūpa in his commentary on Yājñavalkya quotes numerous sūtras from Gautama. In Medhātithi's *bhāṣya* on Manu the writer more frequently quoted than any other is Gautama ( e. g. on Manu II. 6, VIII. 125 &c. ).

The foregoing discussion about the literature known to the Gautama Dh. S. and the authors and works that mention Gautama or quote the dharmasūtra helps us in arriving at the approximate age of the dharmasūtra. He is separated by a long interval from the Sāmavidhāna Brāhmaṇa. He is later than Yāska and wrote at a time when Pāṇini's system was either not in existence or had not attained a pre-eminent position. The extant text was known to Baudhāyana and Vasiṣṭha and was in the same state long before 700 A. D. The sūtra betrays no knowledge of the onslaught delivered on Brahma-

67 प्रतिषेधः सुरापाने मद्यस्य च नराधिप । द्विजोत्तमानामेवोक्तः सततं भविष्यपुराण quoted by अपरार्क p. 1076.

68 Vide JBBRAS vol. I ( new series ) for 1925, pp. 66-67.



nism by Buddha and his followers. He uses the term *bhikṣu* (3. 10) instead of the term *parivrājaka* that occurs in Baudhāyana, Āpastamba and other sūtra works and lays down that a *bhikṣu* is to stay in one place in the rains, which reminds one of the Buddhist 'bhikkhu' and 'Vasso'.<sup>68a</sup> Gautama cites the opinion of some that Yavana is the offspring of a Kṣatriya male and a Śūdra female (4. 17). It is supposed by many scholars that the Yavanas became known to the Indians only at the time of Alexander's invasion and hence every work in which the word *yavana* occurs must be later than 320 B. C. Bühler (S. B. E. vol. II. Intro. LVI.) seems to suggest that the sūtra where the word Yavana occurs in Gautama may be an interpolation. This is not a satisfactory explanation.

Dr. Ram Gopal (on p. 54) finds fault with me for my criticism of Dr. Bühler. Unfortunately, he appears to have not correctly grasped the situation. Gaut. Dh. S. 4. 17 (*tebhya eva ...pāraśava-yavana-karaṇa-śūdrāṇ-śūdretyeke*) does not express Gautama's view but only states the view of some writers that if a śūdra woman has union with a brāhmaṇa, a kṣatriya, vaiśya or a śūdra the child begotten would respectively be a Pāraśava, a Yavana, a Karaṇa, a Śūdra. Bühler tried to show that this was an interpolation. At the time when Bühler first wrote his introduction to Vol. II. of the S. B. E. almost all Western writers regarded the occurrence of the word 'Yavana' in a Sanskrit work as enough ground for relegating it to 300 B. C. or to a later date. Bühler's words on p. LVI of the edition of 1879 (SBE Vol. II) are "As there is no historical evidence to show that the Indians became acquainted with the Greeks before the invasion of Alexander in the 4th century B. C. it has been held that works containing the word Yavana cannot have been composed before 300 B. C." Then he refers to Gautama's text not being trustworthy and then to Rudradāman's inscription (vide E. I. Vol. VIII at p. 43) in which Tushāspa is described as Yavanarāja and asserts that Tushāspa was not a Greek but a Persian. Supposing Tushāspa had been a Persian there is no reason why he could not or might not have been called or described as Yavanarāja in Kathiawad in the 2nd century A. D. Vide H. of Dh. S. Vol. V. p. 516 note 743 where it is shown that Yavana is an exact reproduction of the word Ionian (from Ionia, which was originally

68 a The fact that Gautama quotes by name only one predecessor viz. *Manu* while the Āp. Dh. S. quotes many authors by name has a great bearing on the date of Gautama.



a strip of mountainous coast in Asia Minor in which Miletus was in the 6th century B. C. the richest city in the Greek world. Even the M. B. (Śāntiparva 207. 43, Ch. ed.) has 'Yauna-Kāmboja-Gandhārāḥ Kirātā Barbaraiḥ saha) and Aśoka in his 5th Rock Edict has 'Yona-Kāmboja-Gandhārānam.' If Bühler had even then held the view which he sets forth in his Introduction in the second edition, he could have easily said in the Introduction to his first edition that even if the Sūtra in which the word 'Yavana' occurs was not an interpolation, the date of Gautama need not be affected by the mere occurrence of the word 'Yavana' in a sūtra that embodies the view of others. Bühler avoided in the Introduction to his first edition being definite about the age of Gautama owing to the word 'Yavana' in Gautama, because he had not the courage at that time to differ from the current of western opinion. Dr. Ram Gopal in a research thesis shirks the important task of determining which sūtras of Gautama are spurious and yet devotes nearly one page to this. I had only the first edition in the library I used. It would have been enough if he had simply said that Dr. Bühler later expressed his views about the occurrence of the word 'Yavana' definitely in the Introduction to the 2nd edition, though he did not do so in the Introduction to the first edition.

One may ask, if Bühler believes that the Indians borrowed their alphabet centuries before Alexander from the neighbours of the Greeks, why it is improbable that the Indians may not have heard of the word Yavana centuries before Alexander and why Yavanas may not have resided in India long before that date. Taking all these things into consideration the Gautama-dharmaśūtra cannot be placed later than the period between 600-400 B. C.

Haradatta wrote a learned commentary on the Gautama-dharmaśūtra called Mitākṣarā. For an account *vide* sec. 87 below. In numerous places he quotes the explanations of other commentators of Gautama (e. g. 9. 53 ; 10. 12, 56, 66 ; 11. 17 ; 12. 32 ; 21. 9 &c. )

The Bhāṣya of Maskarin, son of Vāmana, is a learned one. It has been published in Mysore Govt. Oriental Library Series. The Kṛtyakalpataru of Lakṣmīdhara in its several parts refers to Maskarin e. g. on Gaut. Dh. S. III. 10-24 (anicayo bhikkhū... anārambhi) the Mokṣakāṇḍa of Kalpataru quotes the views of Bhartr̥yajña, Asahāya, and Maskarin. The Naiyātika-kārya

mentions in several pages the views of Maskarin on Gautama's sūtras (vide pp. 23, 248, 257). In the Gr̥hastharatnākara of Caṇḍeśvara (p. 330) ācārya Maskarin on Gaut. Dh. S. IX. 57 is mentioned. Therefore, it follows that the bhāṣya of Maskarin is certainly not later than 1100 A. D. and may be assigned to the period 900-1100 A. D. This bhāṣya is far more extensive than Haradatta's commentary, and it is not unlikely that being much earlier has been made use of by Haradatta. But, as there were other early bhāṣyas of Bharṭṛyañña and Asahāya ( which are not yet available in print ) it is difficult to say whether Haradatta borrows from the older ones or from Maskarin. For example, on Gaut. I. 6 ( tulya-balavirodhe vikalpah ) the bhāṣya extends to three printed pages. The same is the case with regard to Gaut. III. 1 ( bhāṣya of four printed pages ), III. 11 ( three printed pages on anicayo bhikṣuḥ ) V. I. ( ṛtāvupeyāt, three pages ), IX. 1 ( three pages ), XI. 29 ( varṇa-śramāḥ svasvadharma etc. ), XXIII. 27 and 28 ( five pages on each ).<sup>68b</sup> Maskarin quotes profusely from at least thirty Smṛtis, some of them being both in prose and verse such as Uśanas, Kaṇva, Kātyāyana, Jātūkarnin, Paiṭhinasi, Prajāpati, Bhārgava, Lokākṣi, Vyāghra

Asahāya seems to have written a bhāṣya on Gautama; vide sec. 59 below.

Some special matters presented by Gaut. Dh. S. may be briefly stated here : ( 1 ) He attaches the greatest importance to the eight moral qualities ( Dayā etc. ) specified in VIII. 23-24 and declares that he who has undergone the forty saṃskāras ( mentioned in VIII. 14-22 ) but is not endowed with the eight ' ātmaguṇas ' does not attain Sāyujya and Sālōkya with brahman, while he who possesses the eight qualities attains Sāyujya and Sālōkya even though he may be endowed with only a fraction of the forty saṃskāras; ( 2 ) He emphasizes ( II. 20 ) that only

68 b On मुण्डः शिखी वा ( गौ. 3. 21 ) मोक्षकाण्ड p. 49 comments ' सर्वमुण्डः शिखावर्जं मुण्डो वा । जटिलत्वनिवृत्त्यर्थोऽयमारम्भ इति भर्तृयज्ञासहायमस्करिणः । It is clear that the three are mentioned in chronological order. The word should be Maskarin and not Maskari. Pāṇini states that Maskarin means ' parivrājaka ' ( VI. 1. 154 मस्करमस्करिणौ वेणु-परिव्राजकयोः ) The महाभाष्य explains ' न वै मस्करोऽस्यास्तीति मस्करी परिव्राजकः । किं तर्हि मा कृत कर्माणि मा कृत कर्माणि शान्तिर्वः श्रेयसीत्याहातो मस्करी परिव्राजकः. , On Gaut. 23. 27 the bhāṣyakāra himself adds ' अलमतिवाचालतया प्रस्तुतं व्याख्यास्यामः. On गौ. 26. 18. he quotes 31 verses beginning with यतात्मनोऽप्रमत्तस्य etc. and adds अलमतिप्रसङ्गेन '.

such usages of countries, castes and families are valid and authoritative as are not opposed to the Vedas; (3) Women are not independent as regards the performance of religious duties, that a woman is to be married before the appearances of menses, that a guardian who does not arrange for a girl's marriage incurs sin and that a girl after waiting for three menstrual periods should herself choose her husband possessing the requisite qualities and when she does so she should return the ornaments given to her by her father's family; (4) That an offender if a brāhmaṇa was not to receive bodily punishment (XII. 43); (5) he allowed *niy. ga* if the husband died childless (XVIII. 4-8).

The Mitākṣarā, the Smṛticandrikā, Hemādri, Mādhava and other writers quote a śloka-Gautama. Vide Parāśara-Mādhaviya, vol. I, part I, p. 7. Aparārka, Hemādri and Mādhava quote Vṛddha-Gautama, while the Dattakamīmāṃsā (p. 72) quotes Vṛddha-Gaut. and Brhad-Gaut. side by side on the same point. These are later works. Jivānanda publishes a smṛti of Vṛddha-Gautama in 22 chapters and about 1700 verses (part II, pp. 497-636), where it is said that Yudhiṣṭhira asked Kṛṣṇa about the *dharma*s of the four castes. This smṛti seems to have been originally taken from the Āśvamedhikaparva of the Mahābhārata, as Mādhava and others cite verses occurring in it as from that parva (vide Parāśaramādhaviya vol. I, part I, pp. 108-110).

## 6. The Baudhāyana Dharmaśūtra

This has been edited several times (text by Dr. Hultsch at Leipzig in 1884, text in the Ānandāśrama collection of smṛtis and in the Mysore Government Oriental Series in 1907 with the commentary of Govindasvāmin; translated in S. B. E., Vol. 14, with an Introduction). The Mysore edition has been used in this work. Baudhāyana is a teacher of the Kṛṣṇayajurveda. A complete set of the Baudhāyanasūtras has not yet been recovered and has not been as carefully preserved as the sūtras of Āpastamba and Hiraṇyakeśin. Dr. Burnell arranges Baudhāyana's sūtras into six sūtras, the Śrautasūtra in 19 praśnas (probably); Karmāntasūtra in 20 adhyāyas; Dvaidhasūtra in four praśnas; Gṛhyasūtra in four praśnas; Dharmasūtra in four praśnas; Śulvasūtra in three adhyāyas. The commentators offer no indication as to the place originally assigned to the *gṛhya*, *dharma* and *śulva* sūtras in the whole collection. Dr. Caland in his monograph (A. D. 1903) 'Über das Rituelle sūtra des Baudhāyana' gives on p. 12 the contents of the Baudhāyanasūtra as follows:—Praśnas I-XXI Śrauta, XXII-XXV Dvaidha, XXVI-XXVIII

Karmānta; XXIX-XXXI Prāyaścitta; XXXII Śulvasūtra; XXXIII-XXXV Gr̥hyasūtra, XXXVI Gr̥hyaprāyaścitta; XXXVII Gr̥hyaparibhāṣā; XXXVIII-XLI Gr̥hyapariśiṣṭa; XLII-XLIV Pitr̥medha; XLV Pravara; XLVI-XLIX Dharma. Dr. Caland edited nine *praśnas* of the Śrautasūtra for the B. I. Series (A. D. 1904). Dr. R. Shamsastri published for the Mysore University (in 1920) the Baudhāyanagr̥hyasūtra with *paribhāṣā*, gr̥hyasēṣa, Pitr̥medhasūtra. The Gr̥hyasūtra cites the view of Baudhāyana himself (I. 7). The Baudhāyana-dharma refers to the Gr̥hya and presuppose it in several places (vide note 54). In the Baudhāyanagr̥hya (III. 9. 6) we have a reference to *puḍakūra* Ātreya, Vṛttikāra Kauṇḍinya, Pravacanakāra Kaṇva Bodhāyana, and Sūtrakāra Āpastamba.<sup>68a</sup> A similar passage occurs in the Bhāradvāja Gr̥hyasūtra. In the Baudhāyana-dharma-sūtra (II. 5.27 R̥ṣitarpaṇa) we have Kaṇva Bodhāyana, Āpastamba sūtrakāra and Satyāśādhā Hiranyakeśin one after another. These references show that Kaṇva Bodhāyana was an ancient sage when the Baudhāyana-dharmasūtra was written and that he could not have been the author of the gr̥hya or the dharmasūtras of Baudhāyana. Baudhāyana may have been a descendant of this Kaṇva Bodhāyana. This surmise is supported by Govindasvāmin who explains Baudhāyana occurring in Baudhāyanadharmasūtra I. 3. 13 as Kāṇvāyana. In the dharmasūtra Baudhāyana is himself cited as an authority several times (e. g. I. 4. 15 and 24, III. 5. 8, III. 6. 20). In all these places the

68 a अथ दक्षिणतः प्राचीनावीतिनो वैशम्पायनाय फलिङ्गवे तित्तिरये उखायोख्यायात्रये आत्रेयाय पदकाराय कौण्डिन्याय वृत्तिकाराय कण्वाय बोधायनाय प्रवचनकाराया-पस्तम्बाय सूत्रकाराय सत्याषाढाय हिरण्यकेशाय वाजसनेयाय याज्ञवल्क्याय भरद्वाजायामिवेश्यायाचार्येभ्य ऊर्ध्वरेतेभ्यो वानप्रस्थेभ्यो वंशस्थेभ्य एकपत्नीभ्यः कल्पयामीति. The epithets must be understood as arranged above, since elsewhere the epithet सूत्रकार is specially appropriated to आपस्तम्ब. The हिरण्यकेशिगृह्य (II. 20. 1, ed. by Kirste in 1889) makes this clear. It reads 'आत्रेयाय पदकाराय कौण्डिन्याय वृत्तिकाराय सूत्रकारेभ्यः सत्याषाढाय प्रवचनकर्तृभ्यः आचार्येभ्यः etc. भारद्वाजगृह्य (quoted by Dr. Caland in 'Über das Rituelle &c. 3. n. 2) reads 'बोधायनाय भरद्वाजाय सूत्रकारायपस्तम्बाय सर्वेभ्यः सूत्रकारेभ्यः &c.' ओं कण्वं बोधायनं तर्पयामि, ओमापस्तम्बं सूत्रकारं तर्पयामि ओं सत्याषाढं हिरण्यकेशिनं तर्पयामि, ओं वाजसनेयिनं याज्ञवल्क्यं तर्पयामि, ओमाश्वलायनं शौनकं तर्पयामि, ओं व्यासं तर्पयामि ।' No 164-169 in बौ. ध. सू. II. 5 (Ānan. ed.). The हिरण्यकेशिगृह्य (edited by Kirste) does not mention बोधायन at all in the तर्पण (II. 20-21), but mentions आत्रेय पदकार, कौण्डिन्य वृत्तिकार, सत्याषाढ and सूत्रकारs.



Mysore edition reads Bodhāyana, while the Ānandāśrama reads Baudhāyana. In one or two places he is styled 'bhagavān' (III. 6. 20). Several explanations are offered by the commentator Govindasvāmin (on I. 3. 13). He says that it is the practice of the Ācāryas to refer to themselves in the third person (as Medhātithi says on Manu.<sup>69</sup>) or that the author of the dharmaśūtra is a pupil of Baudhāyana as the Manusmṛti is promulgated by Bhṛgu, the pupil of Manu, or there was some other Baudhāyana whose works have not come down to us.

Confusion results from the lists of sages in *tarpaṇa* mentioned in several Gr̥hyasūtras. The passage from Baudhāyana gr̥ is quoted in note <sup>68a</sup>. In that passage Kāṇva Bodhāyana is called 'pravacanakāra' and Āpastamba is called 'sūtrakāra', while Satyāśādhā, Hiranyakeśa, Vājasaneyā, Yājñavalkya, Bharadvāja and Āgniveśya are merely named without any addition. In the Baud. Dh. S. quoted in the same note Kāṇva Baudhāyana (without the epithet 'pravacanakāra'), Āpastamba sūtrakāra and Satyāśādhā Hiranyakeśin are named. Two questions arise about the three names viz. (1) are the sages mentioned in the tarpaṇa passages the authors of the sūtra works in which they occur; (2) what is the import of the words pravacanakāra and sūtrakāra applied to Kāṇva Bodhāyana and Āpastamba respectively and do those words suggest that Kāṇva Bodhāyana is much earlier than Āpastamba. The present writer thinks that the authors of the Gr̥hyasūtras were different from Kāṇva Bodhāyana and Āpastamba to whom water is directed to be offered in the tarpaṇa part of those works. They might be descendants of Kāṇva Bodhāyana and Āpastamba who are included in the sages for tarpaṇa.

If Kāṇva Bodhāyana and Āpastamba mentioned in the tarpaṇa passage were also the authors of the Bodhāyana and Āpastamba gr̥hyasūtras it is very difficult to believe that they recommended to the generations that would come after them to offer water to them in tarpaṇa. The word *pravacana* <sup>69a</sup> occurs

<sup>69</sup> 'प्रायेण ग्रन्थकाराः स्वमतं परापदेशे नुव्रवते' (on Manu I. 4).

<sup>69a</sup> ऋतं च स्वाध्यायप्रवचनेन ।...सत्यमिति सत्यवचा राशीतरः । तप इति तपोनित्यः पौरुषादिः । स्वाध्यायप्रवचने एवेति नाको मौद्गल्यः । तद्धि तपस्तद्धि तपः । तै. उ. प. I. 9; शङ्कराचार्य explains : स्वाध्यायोध्ययनम् । प्रवचनमध्यापनं ब्रह्मज्ञानं वा ; नायमात्मा प्रवचनेन लभ्यो न मेधया न बहुना श्रुतेन । कठ 2.23 and मुण्डक 1.1.2.3. Compare: द्विजातीनामध्ययनमिज्या दानम्, ब्राह्मणस्याधिकाः प्रवचनयानप्रतिष्ठाः





frequently in the Upaniṣads viz. Tai. Up. 9, Kātha II. 23 and Muṇḍaka III. 2.4 (nāyam-ātmā pravacanena labhyaḥ). The Tai. Up. (I. 9), after setting out the opinions of two sages, mentions the view of Nāka Maudgalya that svādhyāya (study of the Veda) and pravacana (expounding or exposition i. e. teaching) is *tapas* (i. e. they should be striven for). The Ṛgveda I. 162.1 employs the form 'pravakṣyāmaḥ (we shall loudly proclaim in the sacrifices the valorous deeds of the swift horse born among Gods). The Āp. Gr. while dilating upon the offering of Madhuparka once a year to one's teacher, father-in-law, king &c. when they pay a visit, provides that one should offer only once and not every year Madhuparka to a famous expounder (of the Veda and its meaning) acc. to Haradatta (on Āp. Gr. V. 13. 20. (sakrit-pravaktre citrāya). In these words (pravacanakāra and sūtrakāra) there is no suggestion of time or early or late in time. The only difference is that the expounder may compose his work in any way (which may be prolix or otherwise), but a sūtrakāra has to be brief and compose his work in an appropriate style.

The following are the contents of the Baudhāyana-dharmasūtra :—*Praśna* I :—Sources of *dharma*, who are *śiṣṭas*, *pariṣad*, different practices of northern and southern India, countries where *śiṣṭas* reside and where mixed castes reside, *prāyaścitta* for visiting countries of the latter type; 2 Studenthood for 48, 24 or 12 years, time of *upanayana* and the girdle, skin, staff appropriate to each caste, duties of *brahmacārin*, eulogy of *brahmacarya*; 3. The duties of the *snātaka* who has completed his studies and observances but has not yet married; 4. directions about carrying the earthen jar (in the case of the *snātaka*); 5. bodily and mental *śauca*, purification of various substances, impurity on birth and death, meaning of *sapiṇḍa* and *sakulya*, rules of inheritance, purification on touching a corpse or a woman in her menses or on dog-bite, what flesh and food was allowed and forbidden; 6. Purification from the point of view of sacrifice, purification of clothes, ground, grass, fuel, vessels, and articles used in sacrifice; 7. Rules about the importance from the sacrificial point of view of sacrifice, of the sacrificial utensils, priests, the sacrificer and his wife, ghee, cooked offerings, the

( Continued from last page )

गौ. ध. सू. X. 1-2; हरदत्त says 'प्रवचनमध्यापनम्. It is clear from आप. ध. सू. I. 11. 32. 1 'प्रवचनशुक्तो वर्षाशरदं मैथुनं वर्जयेत्' that प्रवचन means अध्यापन in that sūtra also. The word प्रवचन is derived from वच् 'to speak with प्र' and literally means 'declare loudly proclaim,' Nāka Maudgalya sage occurs in Br. Up. VI. 4. 4.

victim, *soma* and fires; 8. The four *varṇas* and the sub-castes; 9, mixed castes; 10. the duties of kings, the five great sins and punishments for them, punishments for killing birds; witnesses; 11. The eight forms of marriage, holidays; *Praśna* II. 1 *Prāyaścittas* for *brahmahatyā* and other great sins, *Prāyaścittas* for a *bramachārīn* violating his vow of celibacy, for marrying a *sagotra* girl, for marrying before elder brother, sins lesser than the great ones, description of such penances as *Parāka*, *Kṛcchra*, *Atikṛcchra*; 2. Partition of heritage, larger share for the eldest, the several substitutes for an *aurasa* son, exclusion from inheritance, dependence of women, *prāyaścitta* for adultery by men and women, rules about *niyoga*, means of subsistence in distress, continuous duties of the house-holder such as *Agnihotra* &c.; 3. The daily duties of the householder such as bathing, *ācamana*, *Vaiśvadeva*, giving food; 4. *Sandhyā*; 5. Rules about the manner of bathing, of *Ācamana*, worship of the sun, and about the method of propitiating ('*tarpaṇa*') gods, sages and pītṛs; 6. The five great daily *yajñas*; the four castes and their duties; 7. regulations about dinner; 8. *Śrāddha*; 9. eulogy of sons and spiritual benefit from sons; 10. rules about *sannyāsa*; *Praśna* III. 1 modes of subsistence for the two kinds of householders, *Śālīna* and *Yāyāvara*; 2. the means of subsistence called '*Ṣaṇṇivartanī*'; 3. the duties of the forest hermit and his means of livelihood; 4. *prāyaścitta* for not observing the vows of *brahmachārīn* or householder; 5. method of reciting *Aghamarṣaṇa*, the holiest of texts; 6. the ritual of *prasṭayāvaka*; 7. the purificatory *homa* called *Kūṣmāṇḍa*; 8. the penance called *cūndrāyaṇa*; 9 the recital of the Vedas without taking food; 10. theories about purification for sin, purifying things; *Praśna* IV. 1. *prāyaścittas* of various kinds viz. for eating forbidden food or drink &c.; 2. *Prūṇāyūmas* and *Aghamarṣaṇa* as purifiers in case of several sins; 3. secret *prāyaścittas*; 4. Various Vedic texts as *prāyaścittas*; 5. Means of securing *siddhi* by means of *japa*, *homa*, *iṣṭi* and *yantra*: the penances called *Kṛcchra*, *Ati-Kṛcchra*, *Sāntapana*, *Parāka*, *Cāndrāyaṇa*; 6. the muttering (*japa*) of holy texts, the *iṣṭis*; 7. praise of *Yantras*, various Vedic texts used in *homa*; 8. censure of those who enter on the means of *siddhi* out of great greed, permission to get these things done through another in certain circumstances.

The extant Dharmaśāstra does not appear to have come down intact. The fourth *praśna* is most probably an interpolation. Most of the eight chapters of that *praśna* are full of verses, the portion in prose being very small. The last three chapters (6-8)

are entirely in verse. The style is quite different from that of the first two *praśnas*. The first five chapters of the fourth *praśna* dealing with *prāyaścittas* are more or less superfluous, the same subject having been dealt with in II. 1. and III. 4-10. Some of the *sūtras* in the earlier *praśnas* are repeated *verbatim* in the fourth, e. g. II. I. 33-34 and IV. 2. 10-11 (*avakīrṇi-prāyaścitta*). The third *praśna* also is not free from doubt. The tenth chapter of the third *praśna* is, as said above, taken from Gautama. The sixth chapter of the third *praśna* agrees very closely in phraseology with the 48th chapter of the Viṣṇudharmasūtra. But it is rather difficult to say which is the borrower. Dr. Jolly (S. B. E. Vol. VII. p. XIX) is inclined to think that both borrowed from a common source. It seems more probable that Viṣṇu borrows from Baudhāyana, as the Viṣṇudharmasūtra uses the form 'punīta' in place of 'punatha' (in Baud.) and as the Viṣṇudharmasūtra omits all reference to Rudra (Baud. III. 6. 12.) and omits the words "gaṇān paśyati, gaṇādhipatim paśyati ... bhagavān Bodhāyanah" (Baud. III. 6. 20.). In the Mysore edition all the four *praśnas* of the *Dharmasūtra* are divided into *adhyāyas*, but the Mss used by Bühler appear to have divided the first two *praśnas* into *kaṇḍikās* and the last two into *adhyāyas*. There are many repetitions even in the first two *praśnas*, which therefore make one rather doubtful about the authenticity of the first two *praśnas* also in their entirety. For example II. 6. 11 and 31 have identical parts in II. 7. 22 and II. 10. 53 the same verse ("aṣṭau grāsā" &c.) is quoted. Such repetitions are frequent in the two last *praśnas* e. g. III. 2. 16 and III. 3. 23; III. 4. 5 and III. 7. 12. Some of the quotations ascribed to Baudhāyana in the *Mitākṣarā* and other works are not taken from the *dharmasūtra*, but from the *Gr̥hyasūtra* or its supplements (e. g. the words 'ekāṁ śākhāmadhite śrotriyaḥ' quoted in the *Mit.* on Yāj. III. 24 which are cited by Hultsch (on p. 125), are taken from the *Gr̥hya* (vide note 78 below).

Though the fourth *praśna* appears to be interpolated, yet the interpolation must have taken place early enough. Viśvarūpa on Yāj. I. 64 quotes Baud. Dh. S. IV. 1. 15-16 (*trīṇi varṣānyr-tumatī*) expressly as Baudhayana's and on Yāj. I. 72 quotes Baud. Dh. S. IV. 1. 22 (*bhartuḥ pratiniveśena* &c.) by name. The *Mit.* on Yāj. III. 305 quotes (as Baudhāyana's) a long passage, Baudh. Dh. S. IV. 1. 5-11. Śaṅkarācārya on Br. Up. IV. 5. 15 quotes Baud. II. 10. 2 "brahmacaryavān pravrajati" as *smṛti*. Yāj. I. 71 is almost the same as Baud. Dh. II. 7. 58 (Somah saucam &c.)



The Dharmaśūtra of Baudhāyana is somewhat loose in structure and is not concise. Govindasvāmin remarks (on I. 2. 19) that Baudhāyana does not aim at brevity.<sup>70</sup> Several subjects are treated of in two places and often without any logical connection with what precedes or follows. Rules of inheritance (dāya-bhāga) occur in the midst of rules about prāyaścitta (in II. 2.); rules about holidays (anadhyāya) occur immediately after the eight forms of marriage and the condemnation of the sale of a daughter (I. 11). Rules about *snātaka* occur in two places (I. 3 and II. 3. 10 ff.). Baudhāyana quotes at least 90 verses introduced by the words "athāpyudāharanti," more than 80 being from the first two praśnas alone. There are over two hundred other verses, about 80 of which occur in the first two praśnas and about ten are Vedic. Some of the verses even in the first two praśnas do not appear to be quotations e. g. I. 1. 16, II. 2. 1, II. 3. 50, II. 3. 52-54 and 56. A verse quoted is in the Vamśastha metre (IV. 3. 14); there are two verses in the Upajāti metre taken as a quotation (II. 3. 18). There are some prose quotations introduced with the words "athāpyudāharanti" (e. g. II. 4. 5 and II. 6. 30 which refers to the *asura* Kapila son of Prahlāda). The language of the Baud. Dh. S. is archaic and often departs from the Pāṇinean standard. Baudhāyana employs such un-Pāṇinean forms as "grhya" (for grhītvā in II. 5. 1), pūjya (II. 9. 5.), "adhigacchānaḥ" (in II. 9. 9.), ānayitvā (III. 3. 6), "punatha" (in III. 6. 5, probably a quotation), "tebhiḥ" (for taiḥ in III. 2. 16, a quotation). In several places Baudhāyana states opposite views and then gives his own opinion on the point, e. g. Baud. I. 5. 105-109 (about impurity on birth); II. 1. 49-51.

As regards the literature known to Baudhāyana the following points may be noted. All the four Vedas are mentioned by name in II. 5. 27 (*tarpaṇa*). He quotes very frequently the Taittirīya Saṁhitā, Tai. Brāhmaṇa and the Tai. Āraṇyaka (in the Āndhra recension). Well-known hymns of the Rgveda such as the Aghamarsana, the Puruṣasūkta and also simple 'ṛks' are frequently referred to. In III. 10 (which is almost the same as Gautama 19) there is a sūtra enumerating the Upaniṣads, the Saṁhitās of all the Vedas and several *sāmans* as purificatory texts. There are long quotations taken from the Śatapatha-brāhmaṇa (XI. 3. 3. 1 ff and XI. 5. 6. 3) in Baud. (I. 2. 52 about

<sup>70</sup> ननु द्विजातिषु स्वकर्मस्थेषु इति सूत्रयितव्ये किमिति सूत्रद्वयारम्भः । सूर्योऽयं  
ज्ञानार्थो नातीव ग्रन्थलाघवाभिप्रायो भवति ।



*brahmacārī* and II. 6. 7-9 about *brahmayajña*). It is noteworthy that in the *tarpaṇa* there is an invocation of the Atharvaveda and immediately afterwards of the Atharvāṅgirasah. The same is found in the Baudhāyanagr̥hya also (III. 2. 9 and 22). In the Upaniṣads (Br̥hadāraṇyaka II. 4. 10, IV. 1. 2) it is the word Atharvāṅgirasah that stands for the Atharvaveda. Baudhāyana quotes a gāthā of the Bhāllavins (I. 1. 29) about the geographical limits of Āryāvarta. Vasiṣṭha adduces the same verse (I. 15) and says that it is taken from the Nidāna work of the Bhāllavins. The Nirukta also mentions a school of Vedic interpretation called Naidānāḥ. It is difficult to say what Nidāna works contained. *Itihāsa* and *Purāṇa* occur in the *tarpaṇa* (II. 5. 27). The *aṅgas* of the Vedas occur in I. 1. 8 and the six *aṅgas* in II. 8. 2. Whether the word “rahasya” in II. 8. 3 means the Āraṇyakas (as Govindasvāmin explains) is doubtful. Baudhāyana mentions a Vaikhānasa-śāstra in II. 6. 16, which appears to refer to the work of Vikhanas on hermits and speaks of Śrāmaṇaka (the rites prescribed by Vikhanas for initiation as hermit), just as Gautama does. Among the authors on *dharma* mentioned by name are : Aupajāṅghani (II. 2. 33 for the view that only *aurasa* son was to be recognised and not the other kinds of sons<sup>71</sup>), Kātya (I. 2. 47), Kāśyapa (or Kāśyapa in other editions, I. 11. 20 on the point that a woman bought cannot be a *patnī*), Gautama (I. 1. 23 and II. 2. 70), Prajāpati (II. 4. 15 about failure in Sandhyopāsana, and II. 10. 71 about *sannyāsa*), Manu (IV. 1. 14 and IV. 2. 16), Maudgalya (II. 2. 61, about observances of a widow being restricted only to six months after her husband's death), Hārīta (II. 1. 50). Baud. I. 2. 7 quotes a verse, which Vasiṣṭha ascribes to Hārīta (Vas. II. 6). As to Gautama, *vide* p. 33 above. Manu is only mentioned in the fourth praśna, the authenticity of which, as said above, is very doubtful. Baudhāyana II. 2. 16 (about the efficacy of *Aghamarṣaṇa*) closely agrees with Manu XI. 260. The first reference to Manu's teaching cannot be traced in the Manusmṛti. Prajāpati (in III. 9. 21) seems to stand for god Brahmā and not for any real or mythical writer on *dharma*. One remarkable piece of information contained in Baudhāyana (II. 6. 30) is that he quotes from a work (of the Brāhmaṇa class in language) a prose passage wherein the division into four āśramas is ascribed to an *asura* Kapila, son of Pralhāda. In II. 2. 79 Baudhāyana quotes a *gāthā* from the dialogue between the

71 One of the verses (अप्रमत्ता रक्षत तन्तुमेनं) is referred to by शबरी on पू. मी. सू. 1. 2. 13 (अपराधात् कर्तुं पुत्रदर्शनम्).



daughter of Uśanas and the king Vṛṣaparvan<sup>72</sup>, which is nearly the same as Mahābhārata I. 78. 10 and 34. Baud. quotes the view of Ācāryas (II. 6. 29) as Gautama does. In several places he refers to the views of his predecessors on *dharma* as "others" (*eke, apare*) e. g. I. 4. 23, I. 5. 16, I. 6. 105-106, II. 5. 2. In II. 3. 18 two verses in the Upajāti metre are quoted as sung by "anna" (food). From the numerous quotations in verse cited by Baudhāyana on topics of *dharma*, it follows that the Dharmaśāstra was preceded by a considerable number of works on *dharma* in verse. Bühler (SBE vol. XIV, p. XLIII) says that Vijñāneśvara was the first writer who quoted the Baud. D. S. But there are writers who flourished centuries before Vijñāneśvara that regarded Baudhāyana as a writer on *dharma* and either quoted his words or pointedly referred to them. Śabara in his *bhāṣya* on Jaimini I. 3. 3 says that the rule in the Smṛtis about the period of Vedic study being 48 years is opposed to the Vedic injunction "one who has begot sons and whose hair are dark should consecrate the sacrificial fires<sup>73</sup>." This must be regarded as referring to the words of Baudhāyana (I. 2. 1). Śabara uses the same word "Vedabrahmacarya" that Baud. employs. It is true that Gautama and Āpastamba both refer to the rule about 48 years, but they do not employ the word "*veda-brahmacarya*." The Tantravārtika<sup>74</sup> of Kumārila says that the words of Āpastamba (II. 6. 15. 1) which seem to accept the validity of local and family usages (even though opposed to Smṛti tradition) stand refuted by the words of Baudhāyana (I. 1. 19-24) who cites only such censured usages as are opposed to Smṛti. Kumārila appears to think that Baudhāyana attacks the extant work of Āpastamba, i. e. the present Baud. is later than the present Āpastamba. It is not necessary to follow Kumārila implicitly as regards chronological details, where he is speaking of writers that flourished over a thousand years before him. But his opinion deserves weight. The Tantra-

72 स्तुवतो दुहिता त्वं वै याचतः प्रतिगृह्यतः । अथाहं स्तूयमानस्य ददतोऽप्रतिगृह्यतः ॥

73 शबर's words are 'अष्टाचत्वारिंशद्वर्षाणि वेदब्रह्मचर्यचरणं जातपुत्रः कृष्णकेशोन्मीना-  
दधीत-इत्यनेन विरुद्धम्' on I. 3. 3, and again on I. 3. 4 'अपुंस्त्वं प्रच्छा-  
दयन्तश्चाष्टाचत्वारिंशद्वर्षाणि ब्रह्मचर्यं चरितवन्तः'. बौधायन's words are अष्टा-  
चत्वारिंशद्वर्षाणि पौराणं वेदब्रह्मचर्यम्. Compare गौ. ध. सू. 2. 52 and आ. ध. सू.  
I. 1. 2. 12.

74 तन्त्रवार्तिक p. 139 'आपस्तम्बवचनं तु बौधायनेन स्मृतिविरुद्धदुष्टाचारोदाहरणान्येव  
प्रयच्छता निराकृतम्'. The words in the बौ. ध. सू. (I. 11. 22) 'तत्र तत्र  
देशप्रामाण्यमेव स्यात्' are opposed to the words of आपस्तम्ब एतत्तु देश-  
लधर्मा व्याख्याताः.





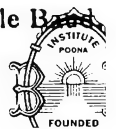
vārtika quotes a Smṛti passage which bears a close resemblance to Baudhāyana ( II. 3. 28 )<sup>75</sup>. In the commentary of Viśvarūpa ( who as we shall see below flourished about 800 A. D. ) on Yājñavalkya, Baudhāyana is quoted at least nine times in the chapter on *ūcāra* alone. Vide Viśvarūpa on Yāj. I. 21, 26, 29, 53, 64, 69, 72, 79, 195 ( Trivandrum edition ), where Baud. I. 5. 14, I. 2. 30, I. 5. 5, I. 1. 17, IV. 1. 15, IV. 1. 18, IV. 1. 22, IV. 1. 20 and I. 5. 47 are respectively quoted. There are very few variations from the present text and the only serious variation is as regards the last ( I. 5. 47 ) which is in prose ( while Viśvarūpa quotes a verse ). It is remarkable that Viśvarūpa quotes several verses from the fourth *praśna*, which shows that even if the fourth *praśna* be an interpolation, it is comparatively an ancient one. The Mit. also ( on Yāj. III. 306 ) quotes a long passage from the fourth *praśna* ( IV. 1. 5-11 ). The words of the Śākuntala<sup>76</sup> that the first precept is that a girl is to be given away to a meritorious person are probably a reminiscence of Baud. IV. 1. 12. Medhātithi on Manu. V. 117 quotes Baudhāyana I. 5. 47 and on IV. 36 quotes Baud. I. 4. 2 ( which is mutilated as printed ). On Manu. V. 114 he says that all the rules about purification of substances are contained in Baudhāyana-smṛti. On Manu. V. 118. he quotes Baud. I. 5. 50.

About the home of Baudhāyana it is difficult to advance any positive conclusion. In modern times Baudhāyanīyas are mostly confined to the south. We know that Sāyaṇa, the great commentator of the Vedas, was a Baudhāyanīya. A grant of Nandivarma, a Pallava, of the 9th century mentions Brāhmaṇas of the *pravacana-sūtra* as recipients.<sup>77</sup> As Baudhāyana is called *pravacanakāra* in the Gr̥hyasūtra Bühler thinks ( S. B. E. vol. 14 p. XLII ) that the Brāhmaṇas belonged to the Baudhāyanacarāṇa. Bühler is probably right. In the grant most of the donees are students of the Āpastamba Sūtra. First the Gotra, then the Sūtra and then the name of the donee are introduced in the grant. Therefore as some of the donees are said to be students of "pravacanasūtra," it follows that "pravacana" stands for some sūtra school. It appears that *sūtra* and *pravacana* are two different

75 तन्त्रवार्तिक p. 993 ' तथा च स्मृतिः । ... धारयेद्वैणवं शुभे रौक्मे च कुण्डले—  
इत्यादि सूपपत्स्यते ' ; Baud. has दैणवं दण्डं धारयेद्भुक्कुण्डले च. Compare मनु  
IV. 36. It is probable that the तन्त्रवार्तिक combines बौ. and मनु.

76 ' गुणवते कन्यका प्रदेया इति तावत्प्रथमः कल्पः ' शाकुन्तल 4th Act ; while Baudhāyana  
has ' दद्याद्गुणवते कन्यां नमिकां ब्रह्मचारिणे '.

77 I. A. vol. 8, pp 273-274.





things, whatever the latter term may mean. Baudhāyana is called pravacanakāra and Āpastamba is styled sūtrakāra. We are told by the Baudhāyana-gr̥hysūtra<sup>78</sup> that a Brāhmaṇa who studied sūtra and pravacana was styled "bhrūṇa." Bühler was inclined to hold that Baudhāyana was a southern teacher for several reasons. Baudhāyana mentions customs of the south and includes see-faring as a custom peculiar to the north (I. 1. 20), while in another place he places sea-faring at the head of sins (*patanīyas*) lesser than the mortal ones (II. 1. 41). Therefore it is said that he was not a northern teacher. But as against this we have to remember that Baudhāyana (I. 1. 29) quotes with approval a verse in which the countries of Avanti (Ujjain), Āṅga, Magadha, Surāṣṭra (Kathiawar) and Dakṣiṇāpatha are declared to be the home of mixed castes. Dakṣiṇāpatha was generally supposed to be the whole peninsula south of the Narmadā. Baudhāyana, if he was a native of the south, would not have spoken of his country as the home of mixed castes only, unless he put a restricted meaning on the word Dakṣiṇāpatha (which sometimes meant in later days Mahārāṣṭra). Vide J. B. B. R. A. S. for 1917 p. 620. Though as stated above, the question of the home of Baudhāyana is a difficult one, yet if a definite inclination has to be shown, then I am disposed to agree with Bühler that the author of Baud. Dh. S. was a southerner. It is important to note that Baud. wants to expound the dharmas declared in the Veda, in the Smṛtis and those practised by śiṣṭas (I. 1. 1-4) and defines śiṣṭas (I. 1. 5-6) as those who possess certain moral qualities and who understand the Veda together with other supporting śāstras. He sets out first the five peculiar usages of the southern part, two of which are the usages of marrying one's maternal uncle's or paternal aunt's daughter, These two are even now in vogue in some parts of Mahārāṣṭra and the South among certain sub-divisions of brāhmaṇas and were not prevalent in the north. Baudhāyana impartially sets forth five practices of the south and five of the north that were opposed to ancient śāstras and his own view appears to have been that in the case of all persons belonging to Āryāvarta (whether they be in the northern or southern parts) both sets of five practices in sūtras (19 and 20) were not to be followed. In that connection he quotes several (three) views about Āryāvarta and two verses more, one of which

78 The whole passage is interesting 'उपनीतमात्रो व्रतानुचारी वेदासौ किंचिदधीत्य ब्राह्मणः । एकां शास्त्रामधीत्य श्रोत्रियः । अङ्गार्थाध्ययनूचानः । कल्पाध्यायी कर्त्तिकल्पः । सूत्रप्रवचनाध्यायी भ्रूणः । चतुर्वेदादृषिः । अत ऊर्ध्वं देवः ।' बौ. गृ. 7. 2-8.



names the countries in which there is mixture of castes and the 2nd mentions some countries like Āraṭṭa (Panjab), Sauvīra, Puṇḍra, Vaṅga, Kalinga, sojourn in which made a person liable to undergo an expiation. The countries mentioned in the first verse are all (except Dakṣiṇāpatha) to the north of the Narmadā. It is quite probable that he did not like the usage of marrying one's maternal uncle's or paternal aunt's daughter even for southern people. It should be noted that almost all the countries in the 2nd verse are north of the Narmadā. Further, Dakṣiṇāpatha appears to have meant a country roughly like modern Mahārāṣṭra long before the Christian era; vide ASWI. Vol. V. p. 60 which shows that in an inscription (No. 1) of Nanaghat (Poona District) Vedisiri is mentioned as king of Dakṣiṇāpatha. Vide ASWI Vol. IV. p. 110 and Rudradāman's inscription (E. I. Vol. VIII at p. 44, where Sātakarni is said to have been lord of Dakṣiṇāpatha). The fact that Āpastambiyas, Hiraṇyakeśins and Baudhāyanīyas have congregated much more in the south than in the north for centuries supports the above statement. The words Uttarāpatha and Dakṣiṇāpatha were never strictly defined. For example, in the Sanjan plates (supposed to be spurious) of Buddhavarasa (E. I. Vol. 14 p. 144 at p. 149 about 700 A. D.) we meet with the words 'Uttarāpathādhipati-Śrī-Harsadevaparājayopalabdhogra-pratāpaḥ' i. e. king Harṣa is said to have been lord of Uttarāpatha. If we turn to the Harsacarita of Bāṇa (first paragraph after two initial verses of the 5th Ucchvāsa) we read 'Atha kadācid-rājā Rājyavardhanam-āhūya Hūṇān hantum...cirantanairamātyaiḥ...kṛtvā sābhisāram-uttarāpatham prāhiṇot'. This shows that Śthāṇviśvara (modern Thanesar) was not included in Uttarāpatha in Bāṇa's days. Uttarāpatha occurs in the Hathigumpha Inscription of Khāravela (E. I. Vol. XX. p. 71 at p. 79 and p. 88). Pāṇini knows the word as in V. 1. 77 'Uttarāpathenāhṛtam ca' (Uttarāpathenāhṛtam auttarāpathikam, Uttarāpathena gacchati auttarāpathikaḥ). About Dakṣiṇāpatha the Mahābhāṣya says that large lakes are called 'Sarasī' in Dakṣiṇāpatha (Kielhorn's ed. Vol. I. p. 73). The word 'Dakṣiṇāpatha' occurs in the gaṇa 'dhūmādi' (Pāṇ. IV. 2. 127).

The extant Baudhāyanadharmasūtra is certainly later than Gautama, as it mentions Gautama twice by name and as one quotation at least is found in the extant Gautama. Besides Baudhāyana quotes by name several teachers on *dharma*, while Gautama quotes only one, Manu. Baudhāyana is far removed from the times of the Upaniṣads. Baud. (II, 7, 15) quotes a verse which is itself an

adaptation of a passage from the Chāndogya-upaniṣad.<sup>79</sup> He quotes Harita. It is uncertain whether the Hāritadharmasūtra, a manuscript of which was discovered by the late Vaman Śāstri Islāmpurkar at Nasik, is the one intended. Bühler thought that the work of Baudhāyana was earlier than that of Āpastamba by a century or two. His first reason was that Kāṇva Baudhāyana receives homage in the *tarpana* before Āpastamba and Hiranyakeśin and that the same order is observed in the Baudhāyana-gr̥hyasūtra. But this reason is far from convincing. It may be conceded that Baudhāyana was regarded as the oldest (or the most authoritative or respectable) of the three schools of the Black Yajurveda. But from this it does not at all follow that the extant *dharma-sūtra* of the Baudhāyanīyas is earlier than that of the Āpastambīyas. For aught we know the sūtra compiled for the school of Baudhāyana may be later than the sūtra manual of the Āpastambīyas. We saw above that orthodox opinion, represented by Kumārila, regards Baudhāyana's work as later than Āpastamba's. All the three founders of the three schools are mentioned in the Baudhāyanagr̥hya and dharmasūtra. One may equally argue with good reason that both these works knew a sūtra work of Āpastamba and that the extant dharmasūtra of Āpastamba is that work. Another reason assigned for the priority of Baudhāyana's work over Āpastamba's is that, though both have numerous sūtras that agree almost word for word, a comparison of the views of the two writers shows that Āpastamba lays down stricter and more puritanic (and therefore later) views on certain points than Baudhāyana. Gautama, Baudhāyana and Vasiṣṭha mention several secondary sons, while Āpastamba is silent about them. Gautama, Baudhāyana (II. 2. 17, 62), Vasiṣṭha and even Viṣṇu approve of the practice of *niyoga*, while Āpastamba condemns it (II. 6. 13. 1-9). Gautama and Baudhāyana (I. 11. 1) speak of eight forms of marriage, while Āpastamba speaks of only six and omits Prājāpatya and Paisāca (II. 5. 11. 17-20 and II. 5. 12. 1-2). Baudhāyana (II. 2. 4-6) allowed a larger share to the eldest son on a partition, while Āpastamba condemns such a procedure (II. 6. 14. 10-14). The Baudhāyana-gr̥hyasūtra (II. 4. 6) allows upanayana to *rathakūra*, while Āpastamba (gr̥hya 4. 10. 1-4) does not do so (dharmasūtra I. 1. 1. 19). These points are hardly conclusive on the question of date. From

79 Baud. 'अथाप्युदाहरन्ति-यथाहि तूलमैषीकममौ प्रोतं प्रदीप्यते । सुदुर्लभाणि पापानि दहन्ते स्वात्मयाजिनः ॥'; compare छान्दोग्योपनिषद् 'तद्यथैषीकातूलममौ प्रोतं प्रदीप्यते' हास्य सर्वे पाप्मानः प्रदूयन्ते' &c.



very ancient times there was great divergence of opinion among the doctors of the law on most, if not on all, of these points. There is no hard and fast rule that these doctrines were upheld by early writers and condemned by later ones. Baudhāyana himself quotes the views of an ancient writer, Aupajāṅhani, who condemned all secondary sons. The verses that Baudhāyana quotes on this point (II. 2. 34-36) are quoted by Āpastamba also but without the author's name (Āp. II. 6. 13. 6), there being variants only in the first verse. *Niyoga* was allowed by Manu (9. 56-63) and then condemned (9. 64-68) and Brhaspati refers to this attitude of Manu (vide Kullūka on Manu 9. 68). Even so late a writer as Yājñavalkya (II. 131) approves of *niyoga*. About the *rathakūra* being allowed to consecrate the sacred fires there is a discussion in the sūtras of Jaimini (VI. 1. 44 ff). Vedic passages supported both methods *viz.* equal division among sons and the bestowal of a larger share on the eldest. Even Yājñavalkya (II. 118) allows a larger share to the eldest son. Therefore, hardly anyone of the circumstances relied upon by Bühler as indicating a later age for Āpastamba is conclusive or convincing. The third ground for placing Baudhāyana before Āpastamba is that the style of the former is simpler and older as compared with the latter's. That Baudhāyana is simpler than Āpastamba may be admitted. But this may be due to the fact that Baudhāyana has been tampered with more than Āpastamba. On the other hand Āpastamba contains more un-Pāṇinian forms, more uncouth constructions, more words in an archaic sense than is the case with Baudhāyana. All that is almost certain about the age of the Baudhāyana-dharmasūtra is that it is later than the work of Gautama, that its style, its doctrines and its general out-look on different subjects do not compel us to assign it a later date than that of the other dharmasūtras. We have adduced evidence to show that long before the days of Śabara (whose latest date cannot be later than 500 A. D.) the Baudhāyana-dharmasūtra was an authoritative *smṛti*; it follows that the dharmasūtra must be placed somewhere between 500-200 B. C. Numerous sūtras are identical in Baudhāyana and Āpastamba e. g. Ap. I. 1. 2. 30 = Baud. I. 2. 40-41, Āp. I. 2. 6. 8-9 = Baud. I. 2. 39, Āp. I. 5. 15. 8 = Baud. I. 2. 31, Āp. I. 11. 31. 11 and 16 = Baud. II. 3. 39 and 32. There are several verses that occur in both e. g. Baud. II. 1. 42 = Āp. I. 9. 27. 11, Baud. II. 2. 34-36 = Āp. II. 6. 13. 6 (three verses condemning secondary sons), Baud. II. 10. 63 = Āp. 11. 9. 21. 10, Baud. II. 7. 22-23 = Āp. II. 4. 9. 13. (two verses)

Baud. II. 6. 36 = Āp. II. 9. 24. 8. Besides these there are numerous Vedic quotations that are common to both. All this, however, does not establish anything about their relative position. The Vasiṣṭha-dharmasūtra also has numerous quotations in common with Baud. Vide Vas. I. 15. = Baud. I. 1. 28, Vas. III. 5, 6, 11, 20, 56 = Baud. I. 1. 10, 12, 11, 8 and I. 5. 58. (respectively); Vas. 6. 20-21 = Baud. II. 7. 22-23; Vas. VIII. 17 = Baud. II, 2, 1; Vas. XI. 27-28 = Baud. II. 8. 21-22; Vas. XVI. 34 = Baud. I. 10. 35, Vas. XVII. 73 = Baud. IV. 1. 17, Vas. XVII. 86 = Baud. I. 5. 102; Vas. XXII. 10 = Baud. I. 1. 33. It is to be noted that some of these quotations (Baud. II. 8. 21-22, I. 10. 35) occur in the extant Manusmṛti (III. 125-126 and VIII, 98). There are a few prose sūtras in Vas. that are transformed into verse in Baud. and *vice versa* e. g. Vas. III. 41 (prose) = Baud. I. 5. 20 (quoted as a verse), Vas. III. 57 (quoted as a verse) = Baud. I. 6. 19-20. It is not likely that one borrows from the other. There are two other possible explanations, viz. that both Baud. and Vas. (and Manu also) quote from or adapt a common source or that the three works have been tampered with and interpolations introduced at every step. The latter alternative is too sweeping as the number of verses is very large and makes all the old sūtras except that of Gautama valueless for all chronological purposes. One cannot subscribe to the view that such extensive interpolations took place as the latter theory demands. The first alternative appears more reasonable. What that common source was, whether it was a regular work in verse or whether there was a floating mass of such popular verses as Bühler holds, are questions that present very great difficulties. It is not easy to believe that there were hundreds of floating verses on *dharma* no body knew by whom composed, on which writers of the centuries preceding the Christian era drew for supporting their opinions. That does not sound as a very likely procedure. It is more probable that such verses were contained in a work or works now lost.

I tried on pp. 29-31 of the first edition to bring forward arguments on both sides of the question whether Baudhāyana Dh. S. is earlier or later than Āpastamba and on p. 30 stated that the Baud. Dh. S. may be placed between 500 B. C. and 200 B. C. Dr. Ram Gopal (p. 76 of his work) trots out the plea that I am inconsistent. I have given above an answer to this charge in the case of my remarks about Gautama. So I do not want to rebut here the charge of inconsistency. I am prepared to place Baudhāyana Dh. S. between 600 B. C. to 300 B. C. All these

dates are more or less tentative and there is no finality about them at least at present.

In the *tarpaṇa*, Baud. (II. 5. 21) mentions several appellations of Gaṇeśa, viz. Vighna, Vināyaka, Sthūla, Varada, Hastimukha, Vakratuṇḍa, Ekaḍanta, Lambodara. But this affords no certain clue as to date. The worship of Vināyaka is found in the Mānavagr̥hya also. In the *tarpaṇa* (II. 5. 23) we have the seven planets mentioned in the order of the days of the week and also Rāhu and Ketu; besides the twelve names of Viṣṇu occur in II. 5. 24. In II. 1. 44 Baud. speaks of the profession of an actor or of a teacher of dramaturgy (Nāṭyācārya) as an upapātaka. Several sūtras attributed to Baudhāyana on the subject of adoption in the Dattakamīmāṃsā and other later works are taken from the Baudhāyanagr̥hyasūtra (II. 6), the sūtras agreeing very closely with Vasiṣṭha (15. 1-9).

According to Burnell the oldest commentator on the Baudhāyanaśrauta-sūtra was Bhavasvāmin, whom he placed in the 8th century. The commentary of Govindasvāmin on the Dharmasūtra is a learned one and is generally to the point. He appears to be a very late writer.

## 7. Dharmasūtra of Āpastamba.

This has been edited several times (viz. by Bühler in the Bombay Sanskrit Series with large extracts from Haradatta's commentary called Ujvalā and also at Kumbhakonam with the complete commentary of Haradatta and translated by Bühler with an introduction in S. B. E. vol. II). The Āpastambakalpasūtra of the Taittirīya Śākhā of the black Yajurveda is divided into 30 *praśnas*. According to Bühler, the first 24 *praśnas* contain the treatment of Śrauta sacrifices; the 25th contains *paribhāṣās*, *pravarakhaṇḍa*, and *Hautraka* prayers to be recited by Hotṛ priests; 26th and 27th *praśnas* constitute the Gr̥hyasūtra, the 28th and 29th Dharmasūtra and the 30th *praśna* is Sulvasūtra. Bühler seems to be slightly inaccurate here. According to Caṇḍappa, who commented on the Āpastambīya sūtras in the 14th century, the Āpastambīyamantrapāṭha forms the 25th and 26th *praśnas* of the Kalpasūtra and the Gr̥hyasūtra forms 27th *praśna*.<sup>80</sup> The Śrauta-sūtra of

<sup>80</sup> पंचविंशे षड्विंशे गृह्यमन्त्राः प्रपञ्चिताः । प्रश्नेषु सप्तविंशे स्याद्गृह्यतन्त्रविधिक्रमः ।  
(Dr. Winternitz's edition of Āp. Mantrapāṭha p. IX). The editor further states (p. IX n. 2) that Paribhāṣās form part of the 24th *praśna* and not of the 25th, as Bühler says.





Āpastamba was edited by Dr. Garbe in the B. I. series; the Gr̥hya and Mantrapāṭha were edited by Dr. Winternitz. The Gr̥hya with the commentary of Sudarśanārya has been edited in the Mysore Govt. Oriental series by Pandit Mahadeva Sastri (in 1893). It is divided into eight pāṭhas and 23 khaṇḍas. According to the Caranavyūha, Āpastamba (or "bha" as written in many southern mss.) is one of the five sub-divisions of the Khāṇḍikīya school of the Taittirīyaśākhā of the Black Yajurveda. Whether the author of the Āpastambīya Śrauta, Gr̥hya and Dharma sūtras is the same is difficult to determine. One sūtra in the Āpastambadharmā (II. 2. 5. 17) is the same as Āp. Śrauta (III. 17. 8 and VIII. 4. 6). Oldenberg (S. B. E. vol. 30, p. XXXII) does not subscribe to Bühler's view (S. B. E. Vol. II, pp. XIII-XIV) that the authors of the Āp. Śrauta and Dharma were identical and gives it as his own view that another person of the same school might have imitated the style of the author of the Śrauta. Whatever may be said of the identity of the authorship of the Śrauta and Dharma sūtras, the Gr̥hya and Dharma seem to be very closely related and both seem to be the compositions of the same author. The Āp. Gr̥hya-sūtra, as compared with the Āśvalāyana-gr̥hya or Gobhilagr̥hya, is extremely brief and leaves out many rules that are given in other Gr̥hya works. For example, about the choice of a girl, the Āp. Gr̥. gives only one worthwhile rule (I. 3. 18)<sup>81</sup>, the other rules (I. 3. 10-17) are of a trivial character such as that the girl that is sleepy or weeping or leaves the house when the bridegroom's party comes to choose her or when the girl's name is that of a river, nakṣatra or tree or she has a name in which the penultimate letter is r or l &c. but all those rules in the gr̥hyasūtra (including the one in sūtra 18) are recommendatory and a marriage entered into against these rules would have been valid even in old times. The most important rule, breach of which would have made the marriage void, is stated in Āp. Dh. S. II. 5. 11. 15-16) viz. that the gotra of the bride's father and of the bridegroom must not be the same and there must be no sapinda relationship between the two on the mother's and father's side.

Dr. Ram Gopal says on p. 57 (of his work) that I am not accurate when I state about the choice of a girl that Āp. Gr̥. S. gives only a single rule (I quoted that rule). I added that it was the Āp. Dh. S. (II. 5. 11. 15-16) that provides that the girl must not be a sagotra or sapinda. Dr. Ram Gopal is swayed by





mere numbers. He points out that there are ten sūtras in Āp. Gr. about the choice of a marriageable girl. What I wanted to emphasise was that only one rule of Āp. Gr. was worth something and I quoted that rule. A marriage entered in defiance of all the ten rules in Āp. Gr. would have been quite valid even in those days. I wanted to illustrate how Āp. Gr. S. was scrappy and omitted even vital matters. The rules (only two) forbidding a sagotra or sapinda girl for marriage were vital and breach of them would have made the marriage void. Āp. Gr. S. I. 3. 21 is not Āpastamba's opinion; it is the view of others (*Yasyām manaścakṣuṣor-nibandhas-tāsyām-ṛddhir-netaradādriyetetyeke*). Even this rule is recommendatory and not obligatory and a marriage in defiance of it would have been quite valid in those days and would be valid also in these days. That view occurs also in the *Kāmasūtra* III. 1. 14. Vide H. of Dh. vol. II. p. 432 note 1025 for further information. In the 2nd volume of H. of Dh. on pp. 437-38, I mentioned this prohibition of sagotra and sapravara marriages and recommended on pp. 498-99 that the legislature should intervene and loosen the absolute bar against sagotra and sapravara marriages. The Indian Parliament (by Act 25 of 1955, called the Hindu Marriage Act) has removed the bar against Sagotra and Sapinda marriages to a great extent. Vide sections 3 (f and g) and 5 of that Act. The Āp. Gr̥hya is silent about the forms of marriage, about holidays, about the duties of *brahmacārins* and such other subjects which are generally treated of in other Gr̥hyasūtras. These subjects are dealt with in the Āp. Dh. S. and there are several places where the *Dharma-sūtra* presupposes the existence of the Gr̥hya and refers to it. Compare Āp. Dh. S. II. 1, 2. 10-11<sup>82</sup> with Āp. Gr. S. III. 7 (particularly sūtras 1, 17, 23). Vide note 54 above. Some sūtras are identical in the Gr̥hya and Dharma, e. g. Āp. Dh. S. I. 1. 2. 38 and Gr̥hya IV. 11. 15-16 (about the staff of Brahmacārin); Āp. Dh. S. II. 4. 8. 7 and Gr̥hya V. 13. 19. In some cases the Gr̥hyasūtra itself seems to refer to the teachings of the *Dharmasūtra*,

82 'श्वोभूते स्थालीपाकः । तस्योपचारः पार्वणेन व्याख्यातः' । आप. ध. सू. ; 'अथैनानामाग्नेयेन स्थालीपाकेन याजयति । एवमत ऊर्ध्वं दक्षिणावर्जमुपोषिताभ्यां पर्वसु कार्यः । पार्वणेनातोऽन्यानि कर्माणि व्याख्यातान्याचाराद्यानि गृह्यन्ते । आप. गृ. सू. Vide also आप. ध. सू. II. 7. 17. 6 'सर्वेषु वृत्तेषु सर्वतः समवदाय शेषस्य प्रासावराध्यं प्राश्नीयाद्यथोक्तम्' and आप. गृ. सू. 8. 21. 9 'सर्वतः समवदायोत्तरेण यजुषो शेषस्य प्रासावराध्यं प्राश्नीयात् ; 'उभयतः परिषेचनं यथा पुरस्तात्' आप. ध. सू. II. 2. 3. 17 and आप. गृ. I. 2. 3. ; 'समावृत्तं चे...यथोपदेशं पूजयेत्' आप. ध. सू. II. 2. 5. 4 refers to आप. गृ. सू. V. 13. 2-19.

e. g. Gr̥hya 8. 21. 1 and Dharma II. 7. 16. 6-7. All these facts make it highly probable, if not certain, that the Gr̥hya and Dharma sūtras were composed by the same author and that the details of certain topics were purposely omitted in the Gr̥hya to avoid repetition. The Smṛticandrikā (III. p. 458) distinctly asserts that the author of the Dharmasūtra and the Gr̥hyasūtra was the same.

The contents of the Āp. dharma-sūtra are :—

1. the authoritative sources of *dharma* are the Vedas and the usages of those who know *dharma*; the four *varṇas*, their precedence; definition of *ācārya* and his greatness, time for *upanayana* according to the *varṇas* and according to one's desire; *prāyaścitta* if proper time for *upanayana* is gone; he whose father, grand-father and great-grand-father had no *upanayana* performed becomes *patita*, but he can be purified by *prāyaścitta*; the duties of *brahmacārīn*, residence with teacher for 48 years, 36, 25 or 12 years; rules of conduct for *brahmacārīn*, his staff girdle and garment, rules about begging for food, bringing fuel and offering to fire; the vows of a *brahmacārīn* are his *tapas*; rules about saluting teacher and others according to *varṇas*; giving *dakṣiṇā* to the teacher at the end of study; rules for *snātaka*; rules about holidays and about the time and place for Vedic study; rules about holidays apply to study of the Veda and not to the use of *mantras* in Vedic rites; the five great daily *yajñas* to the *bhūtas*, men, gods, pitṛs, and sages; honouring men of higher castes, old men, parents, brothers and sisters and others; method of inquiring about one's health &c. according to *varṇas*; occasions of wearing *yajñopavita*; times and manner of *ūcamana*; rules about forbidden and permitted food and drink; the avocation of a *vanij* not allowed to a *brāhmaṇa* except in distress; rules forbidding the sale or exchange of certain things; grave sins (*patanīya*), such as theft, the murder of a *brāhmaṇa* or other man, causing abortion, incest, drinking wine etc; other sins are not so grave, though they make the perpetrator impure; discussion of some metaphysical questions such as the knowledge of the soul, Brahma, the moral faults that lead to perdition such as anger, avarice, hypocrisy &c; the virtues that lead to the highest goal, such as absence of anger or avarice &c. truthfulness, tranquillity; compensation for killing a Kṣatriya, Vaiśya, or Śūdra and women; *prāyaścitta* for killing a *Brāhmaṇa* and an Ātreya *Brāhmaṇa* woman, for killing a *guru* or a Kṣatriya; *prāyaścitta* for violating the bed of a *guru*, for drinking wine

and for theft of gold; *prāyaścittas* for killing several birds, cows and bulls, and for abusing those who should not be abused, for sexual intercourse with a Śūdra woman, for taking forbidden food and drink &c.; rules about Kṛcchra for twelve nights; what constitutes theft; how one should act towards a fallen (*patita*) *guru* and mother; various opinions about *prāyaścitta* for violating *guru*'s bed; *prāyaścitta* for a husband who has intercourse with another woman and for wife's adultery; *prāyaścitta* for killing a *bhrūṇa* (a learned brāhmaṇa); brāhmaṇa was not to wield arms, except in self-defence against bodily injury; *prāyaścitta* for *abhiśasta*; *prāyaścittas* for lesser sins; various views about *snātaka* (*Vidyāsnātaka*, *Vratasnātaka* and *Vidyāvratasnātaka*); the observances (*vratas*) of *snātaka* as regards garments, answering calls of nature, about scandalous talk, about not seeing the rising or setting Sun, avoiding moral faults such as anger; II (*praśna*) the householder's observances commence on marriage (*pānigrahaṇa*); rules of conduct for a householder about taking food and fasting, about sexual intercourse; all the *varṇas* attain unmeasured bliss by performing their duties and are re-born in conditions appropriate to their actions and by means of evil deeds are re-born in evil surroundings e. g. a brāhmaṇa who is a thief or a murderer of a brāhmaṇa becomes a Cāṇḍāla, a similarly guilty *rājanya* becomes a *paukasa*; the three higher castes should after bathing perform *Vaiśvadeva*; Śūdras may cook food for their masters of higher castes under the supervision of Āryas; offerings (*bali*) of cooked food; guests (*atithi*) should be first offered food, then children, old men, sick persons and pregnant women (and then the householder himself); no one should be refused food when he comes at the end of *Vaiśvadeva*; rules of receiving guests, such as unlearned brāhmaṇas, kṣatriyas, vaiśyas and śūdras; an house holder should always wear an upper garment or his sacred thread may serve that purpose; in the absence of a brāhmaṇa teacher, a brāhmaṇa may learn from a kṣatriya or vaiśya teacher; duties of a married man when his teacher comes as a guest; duty of householder to teach and to observe the rules of conduct laid down for him; in case of doubt as to a guest's caste and character, how to proceed; who is an *atithi*; praise of honouring an *atithi*; procedure in case an *atithi* comes to a king or to one who has consecrated fires; to whom and when *madhuparka* is to be offered; the six *aiṅgas* of Veda named; all including dogs and cāṇḍālas should be given food after *Vaiśvadeva*; all gifts to be made with water; one must not give at the expense



of servants and slaves; one may subject himself, wife and sons to privations (but not servants); amount of food to be taken by *brahmacārin*, householder, hermit &c.; occasions for begging are the teacher, marriage, sacrifice, maintenance of parents and avoidance of the cessation of some worthy observance (like *agnihotra*); the peculiar *karmans* of *brāhmaṇas* and the other castes; rules of war; the king to appoint a *purohita* skilled in *dharma* and art of government, who is to carry out punishments and penances; punishments including death sentence according to the gravity of the offences, but a *brāhmaṇa* was not to be killed or injured or to be made a slave; rule of the road; a man of the lower caste by practising his duties rises higher and higher when re-born and a man of the higher castes goes lower by *adharma*; one should not marry another wife, when the first has children and is helpful in the performance of *dharma*; rules about marriageable girl, i. e. she must not be *sagotra* and *sapiṇḍa* of the mother; six forms of marriage *viz.* *brāhma*, *ārṣa*, *daiva*, *gāndharva*, *āśura*, *rākṣasa*; preference among the six; rules of conduct after marriage; sons born of wives of the same caste can perform the duties appropriate to the father's caste and inherit parent's property; the son of a woman who was once married or who is not married according to prescribed forms or who is not of the same caste is censured; whether the son belongs to the begetter (or to him on whose wife he is begotten); there can be no gift or sale of a child; partition during father's lifetime and equal division; exclusion from inheritance of the impotent, lunatics and sinners; the inheritance in the absence of son goes to nearest *sapiṇḍa*, then to the teacher and then to the pupil, or the daughter and ultimately to the king; the opinion of some that the largest share goes to the eldest son is opposed to the Vedas; no partition between husband and wife; usages of countries and families not to be followed if opposed to the Vedas; impurity on death of agnates, cognates &c; gifts to be made at proper time, place and to proper person; *śrāddhas*; times of *śrāddha*; materials required at *śrāddha*; food (including flesh) appropriate at *śrāddhas*; what *brāhmaṇas* are to be called at *śrāddha*; the four *āśramas*; rules about *parivrāj* i. e. *sannyāsin*; the duties of forest hermit; praise of the meritorious and condemnation of evil-doers; special rules about kings; founding of his capital and palace; position of the *sabhā*; extirpation of thieves; gifts of land and wealth to *brāhmaṇas*; protection of people; persons exempt from taxation, such as *Śrotriya*s, women of all castes, students and ascetics; punishment of young men for

adultery; punishment varied according as the woman wronged was Ārya or Śūdra; punishments for abuse and for homicide; punishments for various breaches of conduct; dispute between cowherd and master; the perpetrator, the abettor and one who approves of the act are all guilty; who are to decide disputes; in case of doubt decision by inference and by divine proof (ordeals); punishment for perjury; all other *dharma*s should be learnt, according to some, from women and people of all castes.

Each of the two *praśnas* of the Āpastamba-dharma-sūtra is divided into eleven *paṭalas*, there being 32 and 29 *khaṇḍikās* in the two *paṭalas* respectively. The Dharmasūtra is written in a more concise and compact style than that of Baudhāyana and has more archaic and un-Pāṇinian forms than any other extant Dharmasūtra. For example, the following are against the rules of Pāṇini; Adhāsana (for adha āsana) in I. 1. 2. 21, aglamsnu (I. 2. 3. 22), muhūṁśca (I. 2. 8. 22), agrhyamāna (I. 4., 12. 8), sarvatopeta (for 'sarvata upeta') in I. 6. 19. 9, sakhim (for sakhīm) in I. 7. 21. 9. Haradatta points out in many places that the current reading was un-Pāṇinian and therefore he read differently (e. g. in II. 2. 5. 2 he reads 'aviprakramaṇa', while the current reading was 'aviprakramaṇa')<sup>83</sup>. This makes it probable that in the original text there must have been many more un-Pāṇinian forms than in the one preserved by Haradatta. There are many unfamiliar or rare words used by Āpastamba, i. e. ananiyoga (I. 6. 19. 12), anaiścārika (I. 8. 22. 1), kartapatya (I. 2. 5. 3), vyupatoda and vyupajāva (-'pa') in I. 2. 8. 15, brahmahamsastuta (I. 1. 1. 32). We meet with strange forms of certain words, such as paryānta (I. 3. 9. 21), praśāsta (II. 8. 19. 3), anātyaya (I. 1. 1. 21, for anatyaya), brahmojjham (for-ojjhaḥ) in I. 7. 21. 8, śvāvit (I. 5. 17. 37), sthevana (I. 11. 30. 19 for sthivana), ācāryadāre (for-dāreṣu) in I. 2. 7. 27. Though the *Āp. Dharmasūtra* is mainly in prose, there are verses here and there. Some of the verses are expressly stated to be taken from other sources by being introduced with the word "udāharanti" or with "athāpyudāharanti" e. g. I. 6. 19. 13 (two ślokas from a Purāṇa), I. 6. 19. 15 (compare Manu 8. 317 and Vas. 19. 44), I. 11. 31. 1, I. 11. 32. 24, II. 4. 9. 13 (two verses, same as Baud. II. 7. 22-23), II. 7. 17. 8, II. 6. 13. 6 (three verses almost the same as in Baud. II. 2. 34-36), II. 9. 23. 4-5 (two ślokas from a Purāṇa). Besides these, there are several isolated verses, most of which seem to be quotations, though not introduced with words like "udāharanti".

83 'प्रायेण मकारात्परमिकारमधीयते। तत्राप्येष एवार्थः। इकारस्तु उद्भवस्योपपाठः।'





I pointed out the discrepancy relying on the two sūtras as printed. I thought that the word Chandas was printed inadvertently (before 'Kalpa'). There is a further inelegance. If the reading Chandaḥ-kalpa be accepted, then the word Chandas is used in the same sentence in two senses viz. Veda and metro. Besides, Vedāṅgas are all related to the Vedas and Kalpa in the context of the enumeration of Vedāṅgas would only mean 'ritual of Vedic sacrifices' and in Chandaḥ-kalpa the word 'Chandas' then would be redundant. He speaks of the six *viṅgas* of the Veda (II. 4. 8. 10) and in the next sūtra enumerates Chandas, Kalpa, grammar, Jyotiṣa, Nirukta, Śikṣā, (phonetics) and Chandoviciti (metrics), which are seven (Śikṣā being probably intended to be included in grammar). There are passages in Āpastamba which agree with the Nirukta, e.g. the definition of ācārya <sup>96</sup>. He quotes the views of ten writers on *dharma* by name, viz. Eka (I. 6. 19. 7), Kaṇva (I. 6. 19. 3 and I. 10. 28. 1), Kāṇva (I. 6. 19. 7), Kuṇika (I. 6. 19. 7), Kutsa (I. 6. 19. 7), Kautsa (I. 6. 9. 4 and 7, 1. 10. 28. 1), Puṣkarasādi (I. 6. 19. 7, I. 10. 28. 1), Vārṣyāyaṇi (I. 6. 19. 5 and 8, 1. 10. 28. 2), Śvetaketu (I. 4. 13. 19 and I. 2. 5. 6), Hārīta (I. 4. 13. 11, I. 6. 18. 2, I. 6. 19. 12, 1. 10. 28, 1, 5 and 16, I. 10. 29. 12 and 16). Some of the names (viz. Kautsa, Vārṣyāyaṇi, and Puṣkarasādi) occur in the Nirukta. He quotes the view of Śvetaketu in Śvetaketu's own words (in I. 4. 13. 20) that even a married man should every year stay with his teacher for two months to refresh his studies and gives it as his own opinion that Śvetaketu's view is opposed to the Śāstras (the Vedas). In another place (I. 1. 4. 5-6) he speaks of Śvetaketu as an *avara* (a person belonging to later ages) and as one who on account of the remnant of his meritorious actions done in a former life or lives was able to grasp the four Vedas in a short time. It is usual to see in this a reference to Śvetaketu in the Chāndogya Upaniṣad (VI. 1. 1-2), where it is stated that Śvetaketu mastered all the Vedas in twelve years. But this identification is somewhat of doubtful value. Āpastamba quotes Śvetaketu as a teacher of *dharma*. The quotation from Śvetaketu given by Āpastamba has nothing corresponding to it in the Upaniṣad. Besides, the Chāndogya Upaniṣad appears to make a distinction between two Śvetaketus (in VI. 1 and VI. 8), one being called Āruṇeya and the other Āruṇi (son of Aruna).

96 'यस्माद्धर्मानाचिनोति स आचार्यः' आप. ध. सू. I. 1. 1. 14; 'आचार्यः काश्चित् वाचारां ग्राहयति आचिनोत्यर्थानाचिनोति बुद्धिमिति वा' निरुक्त 1. 4 and 'तस्माद्ब्रह्मेत्कतमञ्चनाह' (quoted in निरुक्त II. 3.)



Hārta, whose views are cited so frequently, is quoted by Baudhāyana (II. 1. 50) and also by Vasiṣṭha (II. 6.). From the two sūtras (I. 6. 19. 3 and 7) it follows that Kaṇva and Kāṇva are two distinct writers. The Kumbhakonam edition reads Kāṇva in I. 10. 28. 1, while Bühler reads Kaṇva there. Kāṇva Bodhāyana is a teacher, whose name occurs in the *ṛṣitarpaṇa* in many works. The view ascribed to Kāṇva by Āpastamba in I. 6. 19. 7 seems to be the same as that of the Baudhāyana-dharmaśūtra (I. 2. 19<sup>87</sup>). It has been shown above that there are close parallels in thought and expression between Baudhāyana and Āpastamba. In several places Āpastamba seems to be controverting the views of Baudhāyana or similar views held by others. Āpastamba condemns the view of giving the paternal wealth to the eldest son as opposed to the Vedas and explains the Vedic text (Tai. S. II. 5. 2. 7, quoted above) about the eldest son being endowed with all wealth as a mere *anuvāda* and not a *vidhi* (vide Āp. Dh. S. II. 6. 14. 6-13). Baudhāyana cites both the texts of the Tai. S. about equal division among sons and about the eldest son's larger share and seems to favour the latter view by putting it last (II. 2. 2-7). Similarly, the discussion in Āpastamba (I. 1. 4. 5-12) about a *brahmacārin* eating the leavings (*ucchiṣṭa*) of his *guru*, provided the things are not directly forbidden by Śruti, seems to be directed against Baudhāyana (II. 1. 25-26). Although Āpastamba does not expressly quote Gautama, he appears to have had before him the Gautama-dharma-sūtra. He speaks of a *smṛti* (II. 6. 15. 25) that lays down that *upanayana* confers *culhikāra* on a man for śāstric actions and that before *upanayana* one is free to do any thing and to eat anything. This, as interpreted by Haradatta, refers to Gautama (II. 1) <sup>88</sup>. There are striking coincidences between Gautama and Āpastamba, e. g. Gaut. I. 19. = Āp. I. 1. 1. 41 (about some teachers prescribing the yellow robe to a *brahmacārin*), Gaut. I. 3 = Āp. 11. 6. 13. 7 (about the violation of *dharma* by the great in former ages), (Gaut. 9. 52 = Āp. I. 11. 31. 13, Gaut. 23. 9. = Āp. 1. 9. 25. 2; Gaut. 16. 19 = Āp. I. 3. 9. 14-15). Āpastamba frequently refers to the views of his predecessors in the words 'eke' (I. 1. 2.

87 'क आश्यासः । य ईप्सेदिति कण्वः । ... शुद्धा भिक्षा भोक्तव्यैककुणिकौ काण्वकुत्सौ तथा पुष्करसादिः ।' आप. ध. सू. I. 6. 19. 2, 3 and 7. Here various views on the question as to whose food should be partaken by begging are set forth. Baudhāyana says 'ते ब्राह्मणाद्याः स्वकर्मस्थाः' which coincides with शुद्धा भिक्षा &c.

88 अत्र ह्यधिकारः शास्त्रेर्भवति । सा निष्ठा । स्मृतिश्च । आप. ध. सू. I. 6. 15. 23-25 ; प्राणमयनात् कामचारः कामवादः कामभक्षः । अहुतात् । गौ. ध. सू. 11. 1-2.



37, 38, 41; I. 1. 4. 17; I. 2. 5. 20; I. 2. 6. 4., I. 3. 9. 3, I. 3. 11. 3 &c.) and 'aparam' (II. 6. 15. 22). It is somewhat remarkable that in many of these cases (where 'eke' occurs), the views are those either held by Gautama or ascribed by him also to others, e. g. Āp. I. 1. 2. 38 about the staff of a *brahmacārīn* refers to Gaut. I. 23; Āp. I. 1. 2. 41 is almost same as Gaut. I. 19, Āp. I. 2. 5. 20 seems to refer to Gaut. 1, 54-59, Āp. I. 3. 9. 3 (the view of some that Vedic study lasts for four months and a half) seems to refer to Gaut. 16. 2, and Āp. I. 3. 11. 3 (about not studying after dining at a sacrifice for deities that are manusya-prakṛti) pointedly refers to Gaut. 16. 34 which contains the word 'manusya-yajñabhojana'. Āpastamba twice quotes verses from a Purāṇa (I. 6. 9. 13, II. 9. 23. 3) and in one place gives in prose the view of a Purāṇa (I. 10. 29. 7.)<sup>89</sup>. Āpastamba (II. 9. 24. 6) speaks of the view of a Bhavīsyat-purāṇa (about creation of the world after a periodic dissolution). In one place Āpastamba (II. 11. 29. 11-12) says that 'the knowledge that exists (traditionally) among women and sūdras is the furthest limit of vidyā and it is said to be a supplement of the Atharvaveda.' Here he probably refers to Arthasāstra, which according to the caranavyūha, is the Upaveda of the Atharvaveda. Āpastamba refers (II. 7. 16. 1) to Manu as founder of the institution of śrāddha. But this appears to be a reference to Manu, the mythical progenitor of mankind, and not to the Manusmṛti. It is noteworthy that Āpastamba (II. 7. 17. 8) quotes a verse, which is the same as Anuśāsanaparva 90. 46 (sambhojanī nāma &c.).

The Āpastambadharmasūtra stands in a peculiar relation to the Pūrvamīmāṃsā. It is the only extant Dharmasūtra that contains many of the technical terms and doctrines of the Mīmāṃsā. He says (I. 1. 4. 8) 'a positive Vedic text is more cogent than an usage which merely leads to an inference (of its being based on a Vedic text now lost<sup>90</sup>). This refers to Jaimini's rule (I. 3. 3) "if there is a conflict between an express Vedic

89 'यो हिंसार्थमभिक्रान्तं हन्ति मय्युदेव मय्युं स्पृशति न तस्मिन्दोष इति पुराणे' आप. ध. सू. I. 10. 29. 7; this seems to be a summary of a verse like the one in Baudhāyana (Dh. S. I. 10. 12) and Vasiṣṭha (III. 18) 'स्वाध्यायिनं कुले जातं यो हन्यादाततायिनम्. न तेन भूणहा स स्यान्मय्युस्तं मय्युमुच्छति॥' (Baud. has अध्यापकं कुले and भूणहा भवति).

90 'श्रुतिर्हि बलीयस्यानुमानिकादाचारात्' आप. ध. सू.; विरोधे त्वनपेक्ष्यं स्यादसति मानम्' पू. मी. सू.  
Vide also 'विप्रतिषेधे श्रुतिलक्षणं बलीयः' आप. ध. सू. I. 11. 30. 9 for the same position.



text and Smṛti, the latter is to be disregarded: but if there be no conflict an inference (may be made that the Smṛti is based upon some Śruti)". In another place Āpastamba says (1. 4. 12. 11) 'where an action is done on account of finding pleasure therefrom (i. e. from a worldly motive), there is no (inference of its being based on) Śāstra'. This is the same as Jaimini's teaching (IV. 1. 2)<sup>91</sup>. He speaks of the convention (*samaya*) of those who know Nyāya (i. e. Mīmāṃsā) that āngas (such as the Kalpasūtras are) cannot be designated the Vedas (which are the principal), which is clearly a reference to Pūrvamīmāṃsā (I. 3. 11-14)<sup>92</sup> and he says that those who know Nyāya lay down that a mere *anuvāda* (affirming or reciting) of what is well-known to all is not a positive rule (a *vidhi*), which is similar to Jaimini's rule<sup>93</sup>. The dictum of Āpastamba that the word "sale" (*kraya*) applied to a bride in some Vedic texts is merely figurative closely resembles Jaimini's<sup>94</sup> remarks on the same point.

The remark of Āpastamba that the rules of *anadhyāya* only apply to Vedic study and not to the recital of *mantras* at sacrifices corresponds to a rule in Jaimini<sup>95</sup> almost in the same words. These examples show that in Āpastamba's day Mīmāṃsā doctrines had been far advanced and that works existed that dealt with Mīmāṃsā topics (Nyāyas). The correspondence in language with the Pūrvamīmāṃsāsūtra is so close that one is tempted to advance the view that Āpastamba knew the extant Mīmāṃsā-sūtra or an earlier version of it that contained almost the same expressions. It cannot be said that all these passages are later interpolations. They have all been explained by Haraḍatta and one of the sūtras referring to Mīmāṃsā topics occurs in so early a work as the commentary of Viśvarūpa (on Yāj. 1. 7) who quotes "Brāhmaṇoktā vidhayaḥ" &c. (Āp. I. 4. 12. 10). The last passage is quoted by Medhātithi also (on Manu II. 6).

91 'यत्र तु प्रीत्युपलब्धितः प्रवृत्तिर्न तत्र शास्त्रमस्ति' आप.; यस्मिन्प्रीतिः पुरुषस्य तस्य लिप्सार्थलक्षणाविभक्तत्वात्' पू. मी. सू. Vide also आप. ध. सू. I. 1. 4. 9-10 'दृश्यते चापि प्रवृत्तिकारणम् । प्रीतिरुपलभ्यते' and 'हेतुदर्शनाच्च' पू. मी. सू. I. 3. 4.

92 'अङ्गानां तु प्रधानैरव्यपदेश इति न्यायवित्समयः ।' आप. ध. सू. II. 4. 8. 13.

93 'अथापि निर्यानुवादमविधिमाहुर्न्यायविदः' आप. ध. सू. II. 6. 14. 13.; 'अर्थवादो वा विधिषोषत्वात्तस्माच्चित्यानुवादः' पू. मी. सू. VI. 7. 30.

94 तस्यां क्रयशब्दः संस्तुतिमात्रम् । धर्माद्धि सम्बन्धः । आप. ध. सू. II. 6. 13. 11-12; 'क्रयस्य धर्ममात्रत्वम्' पू. मी. सू. VI. 1. 15.

95 'विद्यां प्रत्यनध्यायः श्रूयते न कर्मयोगे मन्त्राणाम्' आप. ध. सू. I. 4. 12. 10; 'विद्यां प्रति विधानाद्वा सर्वकालं प्रयोगः स्यात्कर्मार्थत्वात्प्रयोगस्य' पू. मी. सू. XII. 3. 19.



The dharmasūtra of Āpastamba has been quoted from very ancient times as authoritative. Śābara in his *bhāṣya* on Jaimini VI. 8. 18 quotes one sūtra of Āpastamba and a paraphrase of another.<sup>96</sup> The Tantravārtika refers to the sūtras of Āpastamba about local and family usages,<sup>97</sup> about drinking wine and about the conflict between the views of Baudhāyana and Āpastamba (vide above page 46 also). Śaṅkarācārya in his *bhāṣya* on Brahmasūtra IV. 2. 14 quotes Āpastamba I. 7. 20. 3 (about the planting of trees for fruit as a meritorious act and the collateral benefits of shade and fragrance). He also cites (on Brahmasūtra II. 1. 1.) about the Supreme Soul a half verse from Āpastamba (I. 8. 23. 2)<sup>98</sup>. In his *bhāṣya* on Brhad-āranyaka, he cites Āp. Dh. S. I. 5. 15. 1 (upāsane gurūṇām &c.). Āp. Dh. S., (II. 9. 23. 3-5) quotes from a Purāṇa two verses which are very similar to two verses quoted by Śaṅkarācārya in his *Bhāṣya* on Chān. Up. V. 10. 1. Viśvarūpa on Yāj. III. 252 refers to one verse and a half quoted by Āpastamba (I. 9. 25. 11 Tri. ed.) and explains it. The two *paṭalas* of Āpastamba (I. 8. 22 and 23) dealing with *adhyātma* (philosophy) were commented upon by Śaṅkarācārya, who, from the general style and method of the commentary (vide Trivandrum edition of the *adhyātmapaṭala*) seems to be the same as the great ācārya. Suresvara in his *Vārtika* (I. 1. 97) on Śaṅkara's *bhāṣya* on the Brhad-āranyakopaniṣad quotes the sūtra about the planting of mango (Āpastamba I. 7. 20. 3<sup>99</sup>) trees. Viśvarūpa, who according to Mādhava, was the the same as Suresvara,<sup>100</sup> quotes (Trivandrum edition) in his commentary on Yājñavalkya (ācāra and vyavahāra only) Āpastamba's sūtras about twenty times. The quotations show that the text of Āpastamba was identical with the

96 “यथैव स्मृतिः ‘धर्मे च अर्थे च कामे च नातिचरितव्या’ इति, ‘धर्मप्रजासंपन्ने दारे नान्यां कुर्वीत’ इति च एवमिदमपि स्मर्यत एव ‘अन्यतरापाये अन्यां कुर्वीत’ इति। शबर. आप. says ‘धर्मप्रजासंपन्ने दारे नान्यां कुर्वीत। अन्यतराभावे कार्या प्रागगम्याधेयात्’ II. 5. 11. 12-13.

97 तन्त्रवार्तिक p. 138 ‘प्रतिदंशं व्यवस्थया। आपस्तम्बेन संहृत्य दुष्टादुष्टत्वमाहृतम् ॥’.  
This has in view ‘एतेन देशकालधर्मा ग्राह्यताः’ आप. ध. सू. II. 6. 15. 1;  
यापि चापस्तम्बस्मृतिवचनानुसृत्यलत्वाशङ्का भवेत्सापि तस्माद् ब्राह्मणः सुरां न पिबेदिति  
एतेन प्रत्यक्षश्रुतिविधिना निराकृतेति नैवं विप्राचारप्रामाण्यमाशङ्कितव्यम्।

98 परमात्मानमेव प्रकृत्यापस्तम्बः पठति ‘तस्मात्कायाः प्रभवन्ति सर्वे स मूलं शाश्वतिकः स  
निरयः’.

99 आग्ने फलार्थे इत्यादि ह्यापस्तम्बस्मृतेर्वचः। फलवत्त्वं समाचष्टे नित्यानामपि कर्मणां  
बृहदारण्यकभाष्यवार्तिक. आपस्तम्ब's words are ‘तद्यथा आग्ने फलार्थे निमित्ते  
गन्ध इत्यनृत्येते एवं धर्मं चर्यमाणमर्था अनृत्यन्ते।’

100 Vide my article in JBBRAS for 1922 pp. 205-206.



one printed, barring a few variations that are no more than mere slips on the part of the scribes of Mss. In his commentary on Yāj. III. 237 Viśvarūpa quotes eighteen sūtras of Āpastamba (I. 9. 24. 6-23) consecutively which are the same as those in the printed text. Medhātithi quotes Āpastamba II. 5. 11. 2, II. 4. 7. 16, II. 8. 19. 20, I. 4. 14. 30-31 on Manu II. 247, III. 102, III. 273 and VIII. 357 respectively and appears to refer to Āpastamba I. 4. 13. 6 (about "om") on Manu II. 83. The Mitākṣarā has several quotations and Aparārka contains about two hundred sūtras of Āpastamba, though rather in a mutilated form. But it is not necessary to refer to these and other later works in detail, since Haradatta's commentary, as will be shown later on, was written about the time of Aparārka. Thus from the days of Śabara (400 A. D. at the latest) to 1100 A. D. we have a host of writers who vouch for the authenticity of the extant text of Āpastamba.

About the home and personal history of Āpastamba little is known. Āpastamba is not an ancient name. It does not occur in the Vedic texts. It occurs in the *gaṇa* "Bidādi" in Pāṇini IV. 1. 104. Dr. Ram Gopal (on p. 75 of his work) thinks rather naively that the occurrence of Āpastamba's name in the Bidādigāṇa lends some support to the view that Āpastamba is earlier than Pāṇini. The Bidādi-gāṇa has nothing to do with literary works, but is concerned only with the addition of a termination to the words in the gāṇa in the sense of (gotrāpatya) 'a descendant from grandson downwards but not a son'. Bida's 'son would be Baidi, but his grandson would be Baida. Besides, this gāṇa contains about fifty words in the Ganapāṭha now available. Āpastamba is the 14th in the list. Moreover, the gāṇas are liable to be added to as illustrated by what is said above on Kambojādigaṇa. Besides, the mere occurrence of the word Āpastamba in the Bidādi-gāṇa does not convey that the person mentioned is the author of the Grhya or Dharma-sūtra known now as Āpastamba's. All that can be held to follow from the Bidādi-gāṇa is that a person named Āpastamba and his descendants named after him were known at the time. He speaks of himself as belonging to later ages (*avara*). Vide Āpastamba<sup>101</sup> I. 2. 5. 4. and II. 6. 13. 9. In the *tarpaṇa* he is generally mentioned after Bodhāyana and before Satyāsādhā Hiranyakeśin (vide note 68a above). Therefore according to tradition his school was elder or more authoritative than that of Hiranyakeśin. In one place Āpastamba refers to a peculiar śrāddha usage of


101 'तस्माद्वययोऽवरेषु न जायन्ते नियमातिक्रमात्' and 'तद्वन्वीक्ष्य प्रयुज्यते सौवर्त्यवरः'.



the *udīcyas* (II. 7. 17. 17).<sup>102</sup> Āpastamba must be supposed to have embodied in his work the usages of his own country. If he specially mentions the usages of a particular locality, it would follow that he did not hail from that locality. But the exact meaning of "Udīcyā" is doubtful. Haradatta quotes a verse of the grammarians, according to which the Country north of the Śarāvati was called "Udīcyā". According to the Mahārṇava quoted in the commentary on the Caranavyūhata the Āpastambiyas were to be found to the south of the Narmadā, in the south-east, that is, in Āndhra and the territory about the mouth of the Godāvarī. Therefore it is natural to suppose that Āpastamba's school had its origin in the south and probably in Āndhra.

Now that rather puerile arguments have been advanced by Dr. Ram Gopal about the home of Āpastamba, Baudhāyana and Hiranyakeśin (on pp. 96-100), a more thorough reply is given here by reference to numerous grants and inscriptions,

Dr. Ram Gopal does not bother about inscriptions and copper plate grants. I had referred in the first edition (of 1930) to Pallava grants in general and mentioned a specific one in I. A. Vol. V, p. 155. In that grant five out of the eight donees

102 उदीच्यवृत्तिस्त्वाप्तनगतानां हस्तेष्वपवात्रानयनम् । ; on this हरदत्त reads a verse of the grammarians viz. प्रागुदञ्चौ विभजते हंसः क्षीरोदके यथा । विदुषां शब्दसिद्धेर्बर्थे सा नः पातु शरावती and adds शरावत्या उदक्तीरवासिन उदीच्यास्तेषां वृत्तिराचारः. Hemādri in चतुर्वर्गचिन्तामणि (III. 1. p. 1350) quotes the same Āpastamba sūtra and the Verse प्रागुदञ्चौ &c but reads सरस्वती for शरावती. Is शरावती the modern Rāpti, a tributary of the Sarayū or is it शरावती near Honavar in north Canara or any other river? This verse occurs in the Kāśikā on Pāṇ I. 1. 75. Pāṇini in VI. 3. 120 explains the word Śarāvati as meaning abounding in reeds, 'which may be applicable to many rivers. Dr. Ram Gopal, after referring to the different identifications, made by various scholars (pp. 95-96), finds that in the Rāmāyana (II. 68. 13-16) occurs a river called Saradaṇḍā and at once jumps to the conclusion that Saradaṇḍā 'conveys 'almost the same sense as Śarāvati' (p. 96). Śarāvati is formed from śara with affix 'matup.' Has 'daṇḍa' the same sense as 'matup'? I should like to know where it is so stated. The usual meanings of 'daṇḍa' are a staff, army, punishment or fine., and one of the four upāyas in Rājanīti. One should like to know how Śaradaṇḍa (which is a compound word having two separate nouns) can have the same sense as Śarāvati (which is formed by a noun and an affix matup. 



are Āpastambhīyas, one is Gautama *Hairanyakeśa* Śaṣṭhīkumāra, one is Vājasaneyaka and one more Sāmavedin.

(2) There is another grant earlier than the above (of 4th century A. D.) viz. the Gorantla plates of king Attivarman edited in I. A. vol. IX pp. 102-3, in which the donee Kottīśarman described as 'Āpastambhasūtra- Rg-yajus-sāmavide.

(3) Kadagatturu plates of Western Gaṅga King Durvinita, *Circa* 555-605 A. D. vide Ep. Carn. Vol. XII. Mi. 110 ); the donee was Skandhaśarman of the Bhāradvājagotra and Āpastambhasūtra.

(4) Kopparam plates of Cālukya Pulakeśin II. ( E. I. Vol. XVIII pp. 259-261, the donee being Vedaśarman of the Sāṇḍilyāyana gotra and of the Āpastambhasūtra.

(5) Ederu plates of Eastern Cālukya Vijayāditya II ( *Circa* 799-843 A. D.; vide E. I. Vol. V. pp. 119-122. Grant to a Āpastambha brāhmaṇa of the Kāśyapa gotra and Āpastambhasūtra.

(6) Grant of Eastern Cālukya king Bhīma II ( 10th century A. D. ); vide South Indian Inscriptions Vol. I. pp. 43 ff.

(7) Charter of Pallava king Narasimha - varman II ( about 711 A. D. ) in Sanskrit but in early Telugu, Kannada characters and the donee is described as a student of Āpastambhasūtra, of Rathitara gotra named Kumāramandaśarman.

All these are specially cited by me for Āpastambhīyas as donees. Now about Bodhāyana ( Baudhāyana ). It has been seen above that Bodhāyana is called 'pravacanakāra' in the passages on *tarpaṇa* (vide note 68 a above) and hence in some early grants the donees are described as students of Pravacana or Pravacana-sūtra or-carana or-Kalpa, though in the South Indian records from the 11th century A. D. and onwards the Baudhāyana-sūtra does occur.

(1) Śringeri plates of Avinita ( *circa* 495-555 A. D. ) in Mysore Arch. Rep. 1916 pp. 34-35, where two of three donees are students of Pravacana-kalpa ;

(2) Bangalore Residency Plates of Western Gaṅga king Avinita ( c. 495-555 A. D. ) in Mys. Arch. Rep. 1911 ;

(3) Uttanūr plates of Durvinita ( Mys. Arch. Rep. 1916 ), where 48 brāhmaṇas of Taittirīya-carana and Pravacana-Āpastamba-sūtra are mentioned.





(4) and (5) Gummareddipura Plates of Durvinita (circa 555-605 A. D.) in Mys. Arch. Rep. 1912 pp. 31-32) and Nallāla Grant of Durvinita (Mys. Arch. Rep. 1924 p. 70) where donees are of pravacana-kalpa.

(6) Alūr grant of Yuvarāja Nārasimha (c. 800 A. D.), Mys. Arch. Rep. 1924 p. 75) where donee is of Pravacana-Kalpa.

(7) Udāyendiram grant of Pallava king Nandivarman, 8th century A. D. (E. I. Vol. III. pp. 145 ff) issued from Kāñci-pura to the donee of Pravacanasūtra named Kulaśarman.

(8) Raykota plates of Skandaśiṣya (E. I. Vol. V. pp. 49 ff (about 9th century A. D.)). The donee is Mādhavaśarma of the Vatsagotra and of the Pravacanasūtra.

A comparative statement of the students of the sūtras (Āpastamba, Bodhāyana, Hiranyakeśin) from a few grants will be extremely instructive :

1. In the Udayendiram plates (of 8th century A. D.) of Nandivarman Pallavamalla in S. I. I. Vol. II. pp. 361 ff there are 39 donees of Āp. Sūtra, 16 of Pravacanasūtra and 4 Bahvr-  
cas (R̥gvedins). The number of donees actually named is 59, though on p. 368 it is stated that the donees were 108.

2. In the Tandauttottam Pallava plates of 8th century A. D. in S. I. I. Vol. II. pp. 517ff, among the 244 donees, 139 are Āpastambīyas, 24 of the Pravacanasūtra, 2 of Āgniveśyasūtra, 1 of Āśvalāyana.

3. In the grant of Eastern Cālukya Narendramṛgarāja 9th century A. D. (S. I. I. Vol. I. pp. 31ff), of the 24 donees, 18 are Āpastambīyas, 6 are Hiranyakeśins (but these latter are mentioned first).

4. In the unpublished Karandai plates of Chola King Rājendra I (1019-20 A. D.), out of 1080 donees, about 620 are Āpastambīyas, 55 Baudhāyanīyas, 42 Satyāśādha (i. e. Hiranyakeśins). Vide Annual Report on Indian Epigraphy for 1949-50 pp. 3 and 17 No. 57. The grant consists of 55 plates falling in three groups. The first group is of three plates entirely in Sanskrit written in grantha characters. It gives the king's genealogy and records the gift of the village Tribhuvana-mahādevī agrahāra to a number of brāhmaṇas. Second group of 52 plates in Tamil language, gives details of lands included in the village, the boundaries of the village and the officials connected with the

grant. The third group of 30 plates also in Tamil merely contains the names of the brāhmaṇa donees of the village.

‘The age of the Āpastamba-dharmasūtra can be settled within only approximate limits. It is probably later than the Gautama Dharma-sūtra and also the Baudhāyana dharmasūtra and before 400 A. D. it was an authoritative smṛti work according to Śābara. Āpastamba is enumerated by Yājñavalkya as a writer on *dharma* (I. 5) and by Sāṅkha-Likhita. Its grammar which often deviates from Pāṇini leads one to infer that he flourished a little before or immediately after Pāṇini. As he quotes the views of ten writers on Dharma-śāstra he cannot be placed amongst the early writers on Dharma. It is doubtful whether the provision that one should not take food from a *Śaṅgha* can be taken to refer to Buddhist *saṅgha*. Pāṇini employs the word *saṅgha* in several sūtras (IV. 3. 127, V. I. 58, V. 2. 52), but in all these there is no clear indication of the ideas attached to the Buddhist *Saṅgha*. Āp. Dh. S. I. 6. 18. 31 (avidhinā ca pravrajitaḥ) provides that one should not take food from one who has become an ascetic without observing the rules about entering that order. This does not necessarily mean that he refers to Buddhist and Jain monks. As Sannyāsa became popular many must have pretended to be sannyāsins without first observing the rules for entering that order. The Āp. Dh. S. was probably composed at a time when the Mīmāṃsā system had already been founded. Hence if a tolerably definite period is demanded, then the Āp. Dh. S. should have to be assigned to the period of 450-350 B. C. and not 600-300 B. C. (as in the first edition).

On p. 84 of the first edition I tried to explain why we have a complete set of śrauta, grhya and dharma sūtras for Baudhāyana and others (all belonging to the Kṛṣṇa-yajurveda) and why an Āśvalāyana-dharmasūtra for R̥gvedins and Gobhila dharmasūtra for sāmavedins or Pāraskara (or Kātiya) Dharma-sūtra for Śukla Yajurveda had not come down to us. Dr. Ram Gopal would not miss an opportunity to criticize the H. of Dh. as he does on pp. 51-52. I have had often to show in this edition the worth of his research.

But on the subject of Āpastamba's home which he holds to have been in North India his remarks display the fantastic nature of some of his researches. He relies on four pieces of internal evidence to corroborate his view that Āpastamba's home was in the North. First, he remarks ‘a number of words which



are of rare occurrence in Sanskrit and which are peculiar to the sūtras of Āpastamba are current even now in the language which is spoken in Kuru-Pañcāla and its neighbourhood.' He cites p. 96 only two words, viz. *ghoṭa* (a horse) and *bhayeḍaka* (dangerous or furious ram), both from Āp. Śrauta (XV. 3. 12 and XV. 19. 4 respectively) 'ājyasthālim rauhinakapāle ca parimaṇḍale-ghoṭa-prakāre' Āp. Śr. XV. 3. 12 and 'atha yadi grdhraḥ salāvṛkī *bhayeḍako* dīrgha-mukhyulūko...śakunir (Āp. XV. 19. 4). He cites no similar words from either the Grhyasūtra or Dharmasūtra of Āp. He remarks 'Āp. S. S. XV. 3. 12 employs the word *Ghoṭa* to denote a horse; and the word घोडा is used in Hindi in the same sense'. His idea appears to be (though he does not make a very clear statement) that as Hindi is now spoken in what was called Kuru-Pañcāla in ancient times and Hindi-speaking people use the word *ghoṭā* (for horse) now, the ancient Āp. Ś. S. which employs the word *ghoṭa* in the same sense should be regarded as composed in north India. Research means careful endeavour and inquiries to discover facts by the scientific study of a subject. If Dr. Ram Gopal had inquired of non-Hindi people in Delhi such as Bengalis, Gujaratis and Mahārāṣṭrians (of whom large numbers are now residents of Delhi) he would have found that all these groups of people employ the same word for a horse respectively in Bengali, Gujarati and Marathi. If he had referred to the Amarakośa<sup>102a</sup> he would have found that *ghoṭaka* is held by that comparatively early work as a synonym of *aśva* (*ghoṭake vīti-turaga-turaṅgāśvaturāṅgamāḥ*). If he had carried his inquiries further he would have found that the Kāmasūtra<sup>102b</sup> of Vātsyāyana (in I. 1. 4) mentions a predecessor named *Ghoṭakamukha*, who wrote a work on *Kanyāsamprayuktakādhikaraṇa* and who was so called probably because he had a long neck like that of a horse. In the Arthasāstra of Kautilya the name 'Ghoṭa-mukha' is cited in V. 5.11 as that of a minister. *Ghoṭaka* or *ghoṭa* therefore looks ancient enough as a purely Sanskrit word. An eminent epigra-

102 a The Amarakośa cannot be placed later than the 5th century A. D. and may be a century or two earlier, Vide H. of Dh. Vol. V. p. 840 note 1367 for authorities.

102 b The Kāmasūtra is assigned to the 4th century A. D. by Winternitz in History of Indian Literature, Vol. III (1922, German) p. 540 and Mr. H. C. Chakladar in Asutosh Mookerji Silver Jubilee Vol. III holds that it should be placed in the middle of the 3rd century A.D.; so the author *Ghoṭakamukha* would have to be placed about the first century A. D., if not earlier.



phist who knows all the south Indian languages informs me that the linguists regard the word as Dravidian and connect it with Telugu *gurramu* and Kannaḍa *kudire* or *kudure*. If the word *ghoṭa* be Dravidian, Dr. Ram Gopal's argument would recoil on him like a boomerang. The same reasoning applies to the word 'bhayedaka' (bhayahetubhūtaḥ eḍakaḥ, a dangerous ram). That word is compounded of *bhaya* (danger) and *eḍaku* (ram). The word 'bhaya' by itself occurs even in the R̥gveda at least a dozen times and *eḍaka* means 'ram' according to Amarakośa<sup>102 j</sup>. *Meṣa* is a synonym of 'eḍaka' and both these words occur in the present day Marathi. *Eḍaka* is one of the three unclean (amedhya) animals acc. to Śat. Br. XII. 4. 1. 4. *Eḍaka* is the 2nd word in 'ajādi-gaṇa' ('ajādyataṣṭāp' Pāṇ. IV, 1. 4). When Pāṇini mentions a gaṇa with ādi it must be presumed that at least the first three of the words in the gaṇa were known to him, though we know that in some gaṇas some words were inserted later. Following the reasoning of Dr. Ram Gopal one may as well say that Āpastamba's home was in Mahāraṣṭra where both words (*ghoḍā* and *eḍakā*) are found in the people's speech and the latter word at least was known before Pāṇini. Both these words were regarded as Sanskrit in the centuries before and after the Christian era by lexicographers and *eḍaka* was known many centuries before Christ, when there was no Hindi language in existence at all. This argument of Dr. Ram Gopal, it would be seen, is ridiculous and worthless.

On p. 97 Dr. Ram Gopal relies, for propping his hypothesis that Āpastamba came from the north on certain phonetic tendencies that characterize modern Hindi. He instances only one word viz. Śikṣā (in Āp. Dh. S. II. 4. 8. 11) which is one of the six Vedāṅgas and compares it with Hindi 'śikha'. This is on a par with his reliance on *ghoṭaka* and *eḍaka* referred to above. Śikha in Hindi means to learn or a pupil, while Śikṣā or Śikṣā is a name for a Vedāṅga and śikha in the sense 'to learn' is derived from the root śikṣa (to learn, 'Śikṣate') and 'śikha' (pupil) is derived from 'śiṣya'. I feel grave doubts whether Dr. Ram Gopal is aware of the real technical meaning of 'Śikṣā' or Śikṣā occurring in the Upaniṣads and other ancient works. Vide note 85 a above where the Tai. Up. employs the *dirgha*'i in Śikṣā and briefly enumerates the subjects of that vedāṅga and Āp. belonging to the Kṛṣṇa Yajurveda uses the word as Śikṣā but Mundaka employs śikṣā. (Vide the same note.)



It was probably written at a time when Jaimini had founded his school. Hence we shall not be far wrong if we assign it to some period between 600-300 B. C. On several points his views are opposed to those of his predecessors, e. g. he rejects secondary sons, condemns *niyoga*, does not admit Paisāca and Prājāpatya as valid forms of marriage (vide above page 50). There are other points also wherein Āpastamba differs from Gautama and the other sūtrakāras. Gautama (IV. 14-17) and Baudhāyana (I. 8. 7-12) give long lists of mixed castes and Gautama includes Yavana among them. Āpastamba is silent on this point. But this has hardly any bearing on chronology. Even the Vedic works mention the Niṣāda and the Pūrvamīmāṃsāsūtra has a special adhikaraṇa (VI. 1. 51) devoted to him; the Br. Upaniṣad mentions (IV. 3. 22 and 37) such castes as Cāṇḍāla, and the Gītā mentions the Śvapāka. The Āp. Śrauta speaks of the Niṣāda (9. 14. 12-13). The Āp. Dh. S. (II. 1. 2. 6) mentions Cāṇḍāla, Paulkasa and Vaiṇa. Gautama (17. 30) forbids the eating of the flesh of cows and bulls, while Āp. (I. 5. 7. 30-31) seems to allow it and cites the Vājasaneyaka for support. In this connection it has to be noted that Vasiṣṭha also has a similar sūtra (14. 46). Āp. (I. 9. 27. 10) prescribes a penance for one who practises usury and lays down that one should not eat at the usurer's (I. 6. 18. 22), while Gautama appears to allow usury to a Brāhmaṇa as a calling if done through an agent (X. 6). Baudhāyana, on the other hand, quotes verses that condemn usury in strong language as even worse than brahma-hatyā, holds that a Brāhmaṇa who is a usurer should be treated as a śūdra and allows the first two castes to practise usury only towards atheists, śūdras and such like persons (I. 5. 79-81). So these differences of Āp. from others are hardly conclusive as to his chronological position.

Dr. Ram Gopal on p. 75 of his work refers to the fact that I place Āpastamba between 600 B. C. and 300 B. C. (on p. 45 of H. Dh. vol. I), and then remarks that '(he) adduces no cogent arguments in support of his view' and then patronizingly adds 'It is not possible in the present state of researches into Vedic literature, to assign precise dates to individual sūtrakāras and we at the most determine approximately the lower and upper limits of the sūtra period. We are, therefore, not going to discuss here the possibility of assigning dates to individual authors'. I am going to show that he himself adduces cogent arguments' for the dates he assigns. In the first place

period between 600 B. C. to 300 B. C. (to which I assigned Āpastamba) is not, I hope it will be admitted by most people, a precise date at all and is far more unprecise than what Dr. Ram Gopal would assign to him (as I am going to point out below from his own work). On p. 89 of his work Dr. Ram Gopal remarks 'most of the sūtras were composed between circa 800 B. C. and 500 B. C.' From the general words employed by him on p. 90 it appears to be his view that not only the Śrauta and Grhya sūtras but other sūtras also and Dharmasūtras were composed between 800 B. C. to 500 B. C. On p. 84 of his work he mentions four groups of sūtras (śrauta, grhya and dharma). He himself says that 'all the sūtras belonging to the 4th group seem to be later than the beginning of the Christian era'. This group should be omitted from consideration. The first group contains 11 sūtra works (Śrauta, Grhya and Dharma), the 2nd group contains 10 sūtra works (all except Āp. Dh. S. being either Śrauta or Grhya). The third group contains eight works, all either Śrauta or Grhya except Vasīṣṭha Dh. S., of which only the sūtra portion (and not verses) is included in this group. He regards all the sūtras in group one and most of those in group 2 as earlier than Pāṇini. The main prop of his dates for the three classes of sūtras is Pāṇini's date. On p. 86 he states that divergent views have been expressed by eminent scholars about Pāṇini's date ranging from 7th century B. C. to 4th century B. C. In this welter of differing views Dr. Ram Gopal fixes the date of Pāṇini at about 600 B.C.-550 B.C (p. 88). What is the *strong evidence* on which he relies for this date? It is only this that he holds Patañjali's date to be 150 B. C. and affirms that there is a near unanimity among scholars about this date. Then he conjectures (pp. 87-88) that a period of at least two centuries intervened between Patañjali and Kātyāyana (the author of the *vārtikas* on Pāṇini) and that another period of at least 200 years must be held to separate Kātyāyana and Pāṇini (pp. 87-88). My aim is only to show how large a part conjectures play in these dates of Kātyāyana and Pāṇini. Taking, however, for the moment these conjectures as good arguments, three groups of sūtra works (29 in all) set out by Dr. Ram Gopal have to be squeezed into a period of three hundred years, the third group being later than the second and the 2nd group later than first. For all the three groups the total period allotted is 300 years (800 B. C. to 500 B. C.). The first group is the largest and it would not be unjust to say that the largest group (viz. the first) should be





allotted 125 years (out of 300), that is, the first group flourished between 800 B. C. to 675 B. C. according to Dr. Ram Gopal, the 2nd group may be allotted 100 years (i. e. 675-575 B. C.) and the third group of only 8 works may be assigned 75 years i. e. from 575 B. C. to 500 B. C. The Śrauta, Gr̥hya and Dharma sūtras of Āpastamba are placed in the 2nd group by Dr. Ram Gopal i. e. Āpastamba himself is placed between 675 B. C.-575 B. C. by him. It would be noticed that this dating of the learned Doctor for Āpastamba is far more precise than my date for Āpastamba (on p. 45 of vol. I of H. Dh.) viz. 600 B. C. to 300 B. C. While saying that it is impossible to assign precise dates to individual sūtrakāras and professing not to give precise dates to them, he puts the authors of ten sūtra works within the short span of about 100 years and assigns individual authors of the 2nd group of the sūtra works to the period from about 675 B. C. to 575 B. C. Scholars will note the great disparity that Dr. Ram Gopal exhibits between his precepts and his performance.

This is not the place to discuss at length the dates of Patañjali and Pāṇini. But a few words must be said on account of the importance attached to those dates by some scholars in settling the chronology of Dharmasūtra works. Dr. D. C. Sircar advances arguments for questioning the date 150 B. C. for Patañjali and himself holds that Patañjali flourished about 100 A. D. (vide I. H. Q. Vol. 15 pp. 633-38). The date 150 B. C. for Patañjali is mainly based on Mahābhāṣya references to Puṣyamitra (Śunga ruler between about 187 B. C. to 151 B. C.). On Vārtika 7 to Pāṇini I. 1. 69 (svam rūpam etc.) the Mahābhāṣya cites the instances of 'Puṣyamitrasabhā' and 'Candraguptasabhā,' on Vārtikas 3 and 4 on Pāṇ. III. 1. 26 it cites (Puṣyamitro yajate yājakā yājayantīti tatra bhavitavyam Puṣyamitro yājayate yājakā yajantīti...tam (tyāgam) ca Puṣyamitraḥ karoti yājakā prayojayante). Again, on Vārtika 1 on Pāṇ. III. 2. 123 (vartamāne laṭ) the Mahābhāṣya says 'iha Puṣyamitram yājayāmaḥ'. There are several difficulties in the case of these passages. There are what are called in grammar 'mūrdhābhiṣikta' examples (i. e. stock examples) not necessarily contemporaneous with the author but handed down traditionally. Patañjali himself speaks of 'murdhābhiṣiktam-udāharanam' (Kielhorn's ed. Vol. I. p. 144 on Pāṇ. I. 1. 57). In the very first passage 'Candraguptasabhā' is certainly such an example, since even if Patañjali be assigned to 150 B. C., Candragupta flourished at least 150 years before him and Patañjali could not have known it personally but



only by tradition or hearsay. Then we have to keep in mind the vicissitudes through which, according to the Vākyapadīya ( II. verses 484-490 ) of Bhartṛhari, the Mahābhāṣya passed in the early centuries of the Christian era. It is narrated there that " Saṅgraha ( a very extensive work on Pāṇini's grammar attributed to Vyādi ) was practically lost, that the great teacher Patañjali composed a work called Mahābhāṣya containing the seeds of all *nyūyas*, but persons with undeveloped intellects could not ascertain its import, that Baiji, Saubhava and Haryakṣa flooded that work of the sage ( viz. Patañjali ) by following baseless reasonings. The traditional interpretation of ( Sanskrit ) grammar which slipped from the disciples of Patañjali remained in course of time among the southern people merely in the form of a work ( in Manuscripts ). After securing the tradition from a mountain ( in the south ) Candrācārya and others following the essence of the bhāṣya made it blossom forth in various ways.' <sup>102c</sup>

The Vākyapadīya is certainly not later than 600 A. D., though there are some scholars who place it not later than the 3rd century A. D. ( vide, for example, Shri Sadhu Ram in J. G. J. R. I. Vol. IX pp. 135-151 ). Whatever the date of the Vākyapadīya, we cannot be certain that the present Mss. and editions of the Mahābhāṣya represent an exact reproduction of what Patañjali composed. All that I want to emphasise is that we should not be cocksure about the date of the Mahābhāṣya and not regard 150 B. C. as a certain date for Patañjali's Mahābhāṣya but should regard it only a possible or at the most a probable one.

Then as to the period of two centuries at least between Patañjali and Kātyāyana and between Kātyāyana and Pāṇini suggested by Dr. Ram Gopal, I have to urge certain objections. Pāṇini's family is said to have been living in Śālātura in North-West India ( supposed to be mentioned in Pāṇ. IV. 3. 94 ) and Pāṇini is designated Śālāturiya by later classical writers like Bhāmaha ( in Kāvya-lāṅkāra VI. 62-63 ). Śālātura is identified by Cunningham in ' Ancient Geography of India ' pp. 66-67 with Lahur, a small town north-west of Ohind in the angle

102c प्रायेण संक्षेपरुचीनल्पविद्यापरिग्रहान् । संप्राप्य वैयाकरणान् संग्रहेऽस्तमुपागते ॥ कृतेऽथ पतञ्जलिना गुरुणा तीर्थदर्शिना । सर्वेषां व्यायसीजानां महाभाष्ये निबन्धने । वैजिसौभव-हर्षक्षैः झुष्कतर्कादुत्सारिभिः । आर्वे विद्वाविते ग्रन्थे संग्रहप्रतिक्रुके । यः पतञ्जलिभिरुपेयभ्यो भ्रष्टो व्याकरणागमः । काले स दक्षिणात्येषु ग्रन्थमात्रे व्यवस्थितः ॥ पर्वकृतमसौ साधवा भाष्यसीजानुत्सारिभिः । स नीतो बहुशास्त्रत्वं चन्द्राचार्यादिभिः पुनः ॥ वाक्यपदीय II, verses 484-89.



between the Kabul river and the Indus. Kātyāyana (the author of Vārtikas) is supposed to have been a dākṣiṇātya on account of a rather jocular <sup>102d</sup> remark of the Mahābhāṣya on the first Vārtika. There were no printing presses in those days and works were propagated by means of oral transmission or by making manuscripts and by the process of learned and ambitious writers visiting royal courts or rich men and *pariṣads* or *samitis*. For example, in the Br. Up. Vi. 2 and Chāndogya Up. ( V. 3 )<sup>102e</sup> Svetaketu Āruṇeya is said to have repaired to the Pariṣad or Samiti of the Pañcāla people or country ( between the foot of the Himālayas and the river Yamunā ) and a Rājanya asked him five questions. Learned Brāhmaṇas were a specially favoured class in ancient India. Learned works from one part of Bhārata spread quickly to even distant parts of the country in a short time on account of the visits of learned men to *sabhās* patronized by kings, their ministers and rich men. Rājasekhara (about 900 A. D. ) in his Kāvyañimānsā ( chap. XX pp. 54-55 ) gives valuable information. He says that the king should convene assemblies of poets and when the king is a poet all people become poets. The king should construct a hall for examining poems and that he should emulate <sup>102f</sup> ( kings like ) Vāsudeva, Śātavāhana, Sudraka, Sāhasāṅka and others ( who presided over *sabhās* in their days ) by bestowing honours and gifts, that between assemblies for discussions about poetic works he should order discussions in Sāstras. The king should arrange meetings of brāhmaṇas for examining the worth of poetic and *Sūtric* works and quotes two verses, one referring to the examination of poets like Kālidāsa and Bhāravi in Ujjaiyini and the other referring to writers on Sāstras in Pāṭaliputra and expressly names Pāṇini, Vyāḍi, Vararuci ( Kātyāyana ) and Patañjali as having been examined. Thus there were even in ancient times means for rapid transmission of really valuable works to distant lands.

For his proposition that Kātyāyana is separated from Pāṇini by at least two centuries ( p. 87 ) Dr. Ram Gopal relies mainly

102d लोकतोऽर्थप्रयुक्ते शब्दप्रयोगे शास्त्रेण धर्मनियमो यथा लौकिकवैदिकेषु । वार्तिक; महाभाष्य  
says on this 'प्रियतद्धिता वाक्षिणात्या यथा लोके वेदे चेति प्रयोक्तव्ये यथा लौकिक-  
वैदिकेष्विति प्रयुज्यते ।

102e अमरकोश says 'समज्या परिषदोष्ठी सभासमितिसंसदः ।

102f श्रूयते चोज्जयिन्यां काव्यकारपरीक्षा । इह कालिदासमेण्ठावत्रामररूपसूरभास्व  
हरिचन्द्रचन्द्रशुतौ परीक्षिताविह विशालायाम् ॥ श्रूयते च पाटलिपुत्रे शास्त्रकारपरीक्षा  
अत्रोपवर्षवर्षाविह पाणिनिपिङ्गलाविह श्यादिः । वररुचिपतञ्जली इह परीक्षिताः ख्याति  
मुपजग्मुः ॥ काव्यमीमांसा p. 55.



on two circumstances viz. considerable change in Sanskrit idiom between Pāṇini's time and Kātyāyana's time and (secondly) much time must have passed before a grammar composed in Northwest India could become so popular as to induce an author from the South to compose Vārtikas thereon. The first circumstance is worth little. Even in these days of the diffusion of primary education, daily newspapers, railways, radio programmes, a regional language like Marathi spoken in Berar and Khandesh varies in some details from the same language as spoken in Poona, Satara and the Konkan. The changes noted by Kātyāyana are not at all fundamental. Pāṇini himself refers to many differences and mentions by name ten predecessors viz. Āpiśali (Vi. 1. 92), Kāśyapa (I. 2. 25, VIII. 68), Gārgya (VIII. 3. 20, VIII. 4. 67), Gālava (VI. 3. 61, VIII. 4. 67), Cākravarmaṇa (VI. I. 130), Bhāradvāja (VII. 2. 63), Sākatāyana (III. 4. 111, VIII. 3. 18, VIII. 4. 50), Śākalya (I. 1. 16, VI. 1. 127, VIII. 37. 9, VIII. 4. 51), Senaka (V. 4. 112), Sphoṭāyana (VI. 1. 123). Pāṇini, moreover, refers to 'ācāryas' in general in VII. 3. 49 and VIII. 4. 52. He also speaks of eastern ācāryas in III. 4. 18 and northern ācāryas in VI. 3. 32 ('mātara-pitarā-udicām'). This last citation shows that, though Pāṇini came himself from northwest India, Sanskrit was spoken even in the extreme north much beyond Pāṇini's home and the people used the form 'Mātarapitarau' instead of 'Mātāpitarau' as required by Pāṇini. This state of things existed even before Pāṇini in the time of Yāska, who states that the verbal form Savati is used by the Kamboja people in the sense of 'gati', but only a derivative from it viz. 'śavaḥ' is used by the Ārya people (and not the verbal form). This shows that in Yāska's time the Kambojas were not accepted as Āryas, though their language was basically the same as that of the Āryas. <sup>102a</sup>

Haradatta <sup>102b</sup> says 'what was not present to the mind of the Sūtrakāra (Pāṇini) or what was not noticed by him is clearly stated by the Vākyakāra (Kātyāyana) and the Bhāṣyakāra (clearly states) what was not noticed by the Vākyakāra. To illustrate, Pāṇini says 'Kambojāl-luk' (IV. 1. 175) meaning that the king of Kamboja is called Kamboja. Kātyāyana adds a

102 a शवतिर्गतिकर्मा कम्बोजेष्वेव विकारमस्यायेषु भाषन्ते शव इति । निरुक्त II. 2. It may be noted that in the Pāli Assalāyanasutta ed. by Pischel (1880) p. 10 it is stated that there are no distinctions of castes among <sup>संस्कृत</sup> (yavana) and Kamboja people, Kamboja is the Pamir region.

102 b हरदत्त says 'यद्विरसूतमहृष्टं वा सूत्रकारेण तत्सूत्रम् । वाक्यकारो <sup>संस्कृत</sup> विनाहृष्टं च भाष्यकृत् ॥ पद्मश्री on काशिका p. 7.



*vārtika* 'Kambojādibhyo lug-vacanam codādyartham'. Patañjali in his *Bhāṣya* specifies 'Coḍa, Kaḍera and Kerala' as the words included in Kambojādi-gaṇa but in the Gaṇapāṭha at the end of the *Siddhāntakaumudī* (Nir. ed. of 1929) Śaka and Yavana are further additions to the words of that gaṇa. Pāṇini dwelling in north-west India either forgot to include Cola (or Coḍa) and Kerala or did not know those names or it is possible that those names were first coined about the time of Pāṇini or even after him but Kātyāyana coming later and being a southerner included Coḍa (or Cola) and Kerala. This shows how the Gaṇapāṭha as now printed is not necessarily valid for Pāṇini's time.

The 2nd circumstance relied upon by Dr. Ram Gopal has been answered above by reference to the role of *pariśads* and by what kings should do and did in ancient India for the encouragement and diffusion of Sanskrit literature.

Pāṇini mentions ten predecessors by name, besides eastern and northern ācāryas. But Kātyāyana mentions only a few names such as Pauṣkarasādi (Vārtika 3 on Pān. VIII. 4. 48), Vājapyāyana (Vārtika 35 on Pān. I. 2. 64), Vyādi (Vārtika 45, on Pān. I. 2. 64). I am aware that Patañjali notices different readings in the Vārtikas (on which he comments) such as by the Saunīgas (about 6 times) and by the Bhāradvājiyas (about ten times). But considering the huge number <sup>102i</sup> of Vārtikas On the *Aṣṭādhyāyī* this is a mere flea-bite. Similarly, it appears that a few Vārtikas other than those of Kātyāyana existed in Patañjali's day. Taking all these things into consideration, Kātyāyana may be said to have flourished one hundred years or at the most 150 years before Patañjali i. e. 300 B. C.-250 B. C., conceding for argument that Patañjali flourished about 150 B. C. But if Patañjali is held to have flourished in the first century A. D., Kātyāyana would have to be brought down to about 150 B. C. to 100 B. C.

If Kātyāyana is placed at about 300 B. C.-250 B. C. Pāṇini should be placed at 450 B. C.-400 B. C.

Pāṇini's sūtras themselves furnish some material to show that he did not flourish in the early phases of the sūtra period

102i Printed Vārtikapāṭha (without author's name) contains Vārtika's in Kielhorn's edition printed in large type number 4200. Vide pp. 193-223 of Vol. VII (in Marathi) i. e. Marathi translation of Patañjali's *Mahābhāṣya* by M. M. Vusudeva shastri Abhyankar for details about the number of Vārtikas,



but rather in the later phases of it. A few references to some of Pāṇini's sūtras on literary works and a few other matters will be helpful in arriving at a tentative date for Pāṇini. Pāṇini says 'Purāṇaprokteṣu brāhmaṇakalpeṣu' (IV. 3. 105), which means the affix *ṇini* is applied to Brāhmaṇa works and Kalpa works, provided these are declared by ancient (munis). The examples are Bhāllavinaḥ and Śātyāyaninaḥ from Bhallu and Śātyāyana. This clearly shows that in Pāṇini's times there were sūtra works both ancient and not ancient (i. e. composed nearer his time).

According to Pāṇini IV. 3. 105 as it stands the termination *ṇini* would not apply to Brāhmaṇa works and Kalpasūtras that were not ancient. Kātyāyana adds a vārtika that 'ṇini' will not apply to Yājñavalkya's and other Brāhmaṇas though they are equally purāṇaprokta (and so we shall have 'Yājñavalkāni' and 'Saulabhāni' Brāhmaṇāni. The Kāśikā says that it is reported in the *ākhyānas* that Yājñavalkya and others do not belong to old times and the sūtrakāra acts on that.<sup>102i</sup> An example of an ancient Kalpa is Paṅḍikalpa. Then there are the two sūtras 'Pārāśarya-śilālibhyām bhikṣunaṭasūtrayoḥ' and 'Karmandakṛśāsavad-iniḥ' (IV. 3. 110-111). These show that before Pāṇini wrote Bhikṣu-sūtras by Pārāśarya and Karmanda and Naṭasūtras by Śilālin and Kṛśāśva had been composed. While Baud. Dh.S. (II. 1. 43-44) includes among Upapātakas the profession of actors (raṅgopajīvana) and the profession of

102i This raises an interesting question. Patanjali names 'Yājñavalkāni Brāhmaṇāni' and 'Saulabhāni'. What are these? The present writer suggests that Yājñavalkāni are those passages of the Br. Up. (II. 2-3, IV. 1-4) in which Yājñavalkya propounds perennial philosophy to Janaka and other questioners. Saulabhāni Brāhmaṇāni may be those passages of the Br. Up. (II. 4 and IV. 5) in which Maitreyi is instructed by Yājñavalkya. Sulabhā Maitreyi is one of the three women to whom water is offered in the *tarpaṇa*. The Br. Up. is divided into six adhyāyas and each adhyāya is divided into parts called brāhmaṇas. From this interpretation, if accepted by scholars, it would follow that in Pāṇini's time the Br. Up. passages mentioned above were not regarded as composed by a *cirantana* sage but in Kātyāyana's days, those passages had come to be regarded as old and therefore Kātyāyana had to frame a special vārtika about them. The Kāśikā passage is 'याज्ञवल्कादयोऽ-चिरकाला इत्याख्यानेषु वार्ता । तथा व्यवहरति सूत्रकारः' It is noteworthy that Haradatta on Āp. D. S. II 2, 5, 13-14 'सर्वभूतपरीवादाक्रोशांश्च विद्यानाम् । (वर्जयेत्), remarks 'तेत्तिरीयमुच्छिष्टशाखा याज्ञवल्कादीनि वृत्तनानीत्याक्रोशः'.



the teaching of dancing (*Nāṭyācārya*), these facts amount to this that before Pāṇini and in his day also the profession of actors appears to have been not looked down upon in North-west India, while Baudhāyana, an inhabitant of the southern parts of India (as I noted), looked down upon it.

Pāṇini has the sūtra 'adhikṛtya kṛte granthe' (IV. 3. 87) and then follows 'Śisukranda-Yamasabha-dvandvendrajananā-dibhyaś-chaḥ.' (IV. 3. 88), which means that the affix 'cha' (i. e. *īya*) is added to denote a book composed with reference to children's cries, the assembly of Yama, *dvandva* compounds and words in the Indra-jananādi-gaṇa (e. g. Śisukrandīya, Yamasabhīya, Kirātārjunīya, Indrajananīya etc.). This shows that much secular literature had already been produced in Pāṇini's days. A Vārtika may be mentioned in connection with the date of Pāṇini. The sūtra is 'adhikṛtya kṛte granthe' (Pāṇ. IV. 3. 87) and the vārtika is 'Lubākhyāyikābhyo bahulam'. The sūtra states as a general rule that works composed with reference to something have the affix 'an' (a) added to the word denoting the matter e. g. a work concerning Subhadra would be called Saubhadra. Kātyāyana says that in the case of the literary *genre* called Ākhyāyikās this termination is in most cases not added. Patañjali cites the names of two literary works called Ākhyāyikās viz. Vāsavadattā and Sumanottarā,<sup>102k</sup> where the termination is not found but also names an ākhyāyikā called Bhaimarathī where the termination 'an' was applied.

The above shows that in Pāṇini's time ākhyāyikās existed and they ended in the affix *an*, while Kātyāyana knew many ākhyāyikās (mark the plural) which showed no termination.

For deciding the question of the home of Āpastamba Dr. Ram Gopal relies upon what Āp. Gr. (II. 14. 1. 6.) says about Simantonayana (parting of the hair for a pregnant woman) and about the two verses employed therein from the Āpastambīya Mantrapāṭha (*praśna* II, 10th Khaṇḍa, verses 12-13). In that

102k For the story of Sumana and Uttarā, vide Dr. V. S. Agrawal's interesting paper about it based upon Pāli works and commentaries in 'Poona Orientalist' Vol. VII pp. 197-200. Vide also Pāṇini IV. 2. 59-60. 'Tadadhite tadveda' and 'kratūkthādi-sūtrāntāt-ṭhak' and the Mahābhāṣya thereon for the existence of an extensive sūtra literature in the times of Pāṇini and Patañjali. Pāṇini thus came towards the later phases of the sūtra literature. Therefore, to assign him to about 450-400 B. C. would appear to be the most proper and probable date.



ceremony the husband directs two men to sing verses (gāthās) to the accompaniment of a lute. The two verses are <sup>102/</sup> "The people of Sālva declared 'this Yaungandhari alone is our king', the people who (reside) along thy banks, O Yamunā, whose (dominion) revolves all round (if the reading is vivṛtta-cakre). The people of the brāhmaṇa class who reside along thy banks and over whom your dominion runs or exists; O river (so and so)." Āp. Gr. S. says the first verse of the two is to be sung

102/ The आप. गृ. I. 14.3-6 are: परिचिन्तयन्तः... ऊर्ध्वं समिन्तमुन्नयति ग्याहृतिभिरुत्तराग्यां च - गायतामिति वीणागायिनी संज्ञास्ति । उत्तरयोः पूर्वा साल्वानां ब्राह्मणानामितरा नदी । निर्देशश्च यस्यां वसन्ति ।

The two verses from the Āpastambīya-mantrapāṭha (ed. by Winternitz) II. 11. 12-13 are: यौगन्धरिरेव नो राजन्ति साल्वरिवादिषुः । विवृत्तचक्रास्तीरेण यमुने तव ॥ सोम एव नो राजेत्याहुर्ब्राह्मणीः प्रजाः । विवृत्तचक्रा आसीनास्तीरेणासौ तव । Vide II. of Dh. Vol. II. pp. 224-225 and note 519 for various readings in both verses, references to Yaugandhari, Sālvas and Sālāvayava in Pāṇini, the Kūśikā and in the *parvans* of Mahābhārata. In the first verse, unless we understand 'prajāḥ' after 'sālviḥ,' the meaning would be 'women of Sālva' declared &c. The difficulty is what is the exact reading of the third pāda in both verses, विवृत्तचक्रा or -चक्र for -चक्र as vocative, or निविष्टचक्रा or अविशुक्त o. The word 'vivṛtta' occurs even in the Ṛgveda (X.27.21). In Yāj. Smṛti I.266 we have प्रवृत्तचक्रता rendered by the Mitākṣarā as अपतिहताज्ञता. If the reading is विवृत्तचक्राः, then it would be an adjective of साल्वीः and would mean विवृत्त चक्रं यासु i. e. 'on whom your wheel (i. e. power or dominion) revolves'. Prof. Hazra objects to my rendering of the word 'cakra' as 'dominion' and in a matter of fact way asks how a river is to have dominion and asserts 'cakra' should be taken to mean 'army'. This is useless as it is not the army that is relevant in the work here but the people dwelling on the banks of the river. Ṛg. poets looked upon great rivers as goddesses, implored them to accept their prayer (Ṛg. X.75. 5-6) and state that Sarasvatī vanquishes their enemies (Ṛg. II.30.8). It should be noted that Vedic mantras are prescribed for some purposes not actually expressed in them, but even on the basis of a single word that has some remote connection with the act for which it is prescribed. For example, the Mantra 'satyenottabhitā bhūmiḥ' &c., which is Āp. Mantrapāṭha I.6.1 and which occurs in Ṛg. X. 85. 1. and Atharvaveda XIV. 1. 1 (but not in Tai. S.) is recited (acc. to Āp. Gr. II.5.19 Uttarā rathasyottambhanī) at the time of supporting the chariot in which the newly married pair is to start for the husband's home, simply because the word 'uttabhitā' occurs therein, though in the Ṛgveda verse what is said to be supported is the earth and the heaven. Even in modern times at the time of a bath in any river old people repeat the verse 'Imam me Gange' etc. (Ṛg. X.75.5). Vide Dharmasindhu page 275 for *Snāna-vidhi* (Nir. ed. of 1926). Vide a long paper on *Simantonnayana* by J. Gonda in East and West Journal (Rome) vol. VII pp. 12-31.



for Sālva people and the other verse for brāhmaṇas and reference to river ( in the vocative ) on which they reside is to be made. The author of Āp. Gr. found two verses in the Mantrapāṭha of nearly the same import and having nearly the same words. He had to assign a proper *vinīyoga* to each of the two verses. Straightforwardly construed, acc. to Āp. Gr. the first verse ( in which 'Sālviḥ' are expressly mentioned ) should be sung in the case of all people of Sālva country ( whether brāhmaṇas, kṣatriyas or vaiśyas ) and the 2nd verse was to be sung in the case of brāhmaṇas ( other than Sālva brāhmaṇas ). This leaves a lacuna viz. what verse, if any, is to be sung for Kṣatriyas and Vaiśyas who do not belong to the Sālva country. It is possible that brāhmaṇas are meant to be only illustrative ( *pradarsanārtham* ) i. e. brāhmaṇas and others not belonging to the Sālva country should employ the 2nd verse. It would be seen how several interpretations are given by Haradatta and Sudarsanācārya on account of these difficulties. Among the first twelve verses in Āp. M. P. II. 11 five are common to both Rg. and Tai. S. and two ( viz. verses 10-11 ) occur in Rg., Atharvaveda and Tai. S. That shows that the Āp. M. P., though collected for Āpastambīyas, could be drawn upon or referred to by others who were not Āpastambīyas but studied some other śākhā. Sīmantonayana was a practice common to all persons ( at least of the three varṇas ) in those days. It should be noted that among the gr̥hyasūtras there is great divergence about the details of Sīmantonayana and about the verse to be sung. Āśvalāyana ( I. 14. 6-7 ), Hiraṇyakeśin, Baud. Gr. ( I. 10.9 ), Bhāradvāja and Pāraskara ( I. 15. 7-8 ) prescribe in this *sainśkāra* only one verse and that too in honour of king Soma and no mention is made of 'sālvik' as in Āp. Gr. S. These Gr. sūtras were not bound to follow strictly the Āpastambīya Mantrapāṭha, while Āp.Gr. was so bound. It is also remarkable that the Gr. sūtras of Gobhila, Khādīra, Laugākṣi and Vaikhānasa are silent even about the singing of a particular verse by lute players. Pāraskara says that acc. to some the verse appointed ( i. e. prescribed, *niyukta*, ) must be sung. Pāraskara probably refers by this to the Āp. Gr. simply because in the Āp. M. P. ( which is a compilation made by somebody who is not now definitely known ) a verse occurs in which Sālva people are mentioned and because that verse ( one of two verses ) prescribed by Āp. Gr. was sung in Sīmantonayana, it would be a wild conjecture on the part of anybody including Dr. Ram Gopal to say that the author of Āp. Gr. S. came from the Sālva country. Owing to the defects in

his outlook and methods, I propose not to refer to Dr. Ram Gopal's work hereafter as far as possible. This volume would become very bulky if I were to reply to all his arguments, many of them baseless and inane.

I must say a few words about another recent work on Dharmaśāstras. Dr. S. C. Banerji (of Maulana Azad College, Calcutta) recently published (in 1962) a work on 'Dharmaśāstras, a study in their origin and development'. He has summarised in the first 73 pages the contents of a portion of my History of Dharmaśāstra (published so far back as 1930) that dealt with the Dharmaśāstras, quotes from them and refers to them dozens of times (sometimes four or five times on the same page). He is fond of adding sage remarks of which a few specimens are quoted below, though he admits on p. 7 (n. 1) 'for chronological questions relating to the works, we have taken Kane (HDH Vol. I) as the chief authority.' The work comprises several articles which Dr. Banerji contributed to some journals at different times. For example he contributed reconstruction of Hārīta-dharmaśāstra in J.O.I. (Baroda, 1958) pp. 14-37, which, with a few additions, appears in his work on pp. 257-287, re-construction of Atri, Cyavana, Bhāradvāja and Devala in JOI. (Baroda) Vol. VI, now represented in 'Dharmaśāstras' etc. pp. 244-257; reconstruction of Uśanas in ABORI vol. 39, pp. 85-100 (1953) now appears in 'Dharmaśāstras' as pp. 340-44, 'Flora and Fauna of Dharmaśāstras' in J. O. I. (Baroda) vol. V, pp. 345-359 are set out now in 'Dharmaśāstras' pp. 206-228. He is more a collector than a scholar doing original and thorough research on his own account. He has given useful tables and appendices for workers on Sanskrit studies. He often writes rather pompously and does little arduous or valuable research himself. More than thirty-five years ago, I collected passages from Śāṅkha-Likhitasūtra (published in ABORI vol. VII-VIII) found in printed works. Since then a good many works on Dharmaśāstra have been printed. He does not make an effort to supplement what was not included by me and yet remarks (on p. 239 n. 1) 'P. V. Kane has collected, though not exhaustively, many passages ascribed to Śāṅkha-Likhitā', but he excludes my collection from his work nor does he make the collection exhaustive by his own effort and research. On p. 73 he proposes to study the diversified contents of Dharmaśāstras under four main heads viz. (A) Ācāra, (B) Prayasaitta, (C) Vyavahāra, (D) Rājadharmā. Under A he makes four sub-

heads (1) Samskāras, (2) Śrāddha, (3) Āsauca, (4) Dravya-suddhi and some miscellaneous rules. To Upanayana and Vivāha he devotes pp. 73-80, to Śrāddha pp. 81-85, to Āsauca pp. 85-89 and to Dravyasuddhi pp. 89-95; B. Prayaścitta, concept of Prāyaścitta, classification of sins and modes of expiation; all this is disposed of in pp. 95-99. Then C : Vyavahāra including judicial procedure, inheritance and succession and partition are allotted pp. 109-120; D. Rājadharmā is disposed of in pp. 121-125. Social, cultural, religious and economic conditions reflected in Dharmasūtras are discussed under ten heads viz. Varnāśramadharmā; system of education; food and drink; position of women; law and administration; religion and philosophy; *Āpaddharma*; manners, morals, customs and amusements; Brahmanical supremacy and position of śūdras; economic life; all these are given in pp. 126-265. On p. 73 (note 1) he is pleased to observe 'P. V. Kane in his HDH Vol. II. briefly indicates the contents of this literature in tracing the evolution of a particular rite, custom or institution from the earliest times through different stages. But, as is usual in a work like his, there is no systematic, critical and comparative study of the contents of Dharmasūtras in it. The present attempt is made with a view to supplying this need.' Although he refers in the Bibliography at the end of the book (on p. 54) to the History of Dharmasāstra (Vol. I-V), it appears to me that he has either not read volumes III to V of that History or ignored them with what motives I cannot understand. Vol. III was published in 1946, Vol. IV in 1953 and Vol. V part I in 1958, at least several years before his present volume (published in 1962). There is not a single reference, so far as I could see, to those volumes in pp. 73-205. The subject of śrāddha which he disposes of in four pages (81-85) was treated by me in Vol. IV pp. 334-551 by tracing its history from Vedic times, in the sūtras, Smṛtis and comparatively modern works; the subject of Prāyaścittas, sins and expiations was dealt with in Vol. IV pp. 1-178, which he disposed of in pp. 95-99. Āsauca to which Dr. Banerji assigned four pages was dealt with by me in the same volume (IV) at pp. 267-309 and Dravya-suddhi in Vol. IV pp. 309-333. Dr. Banerji spares for Vyavahāra (including judicial procedure, inheritance, succession, partition) pp. 109-120 and for Rājadharmā pp. 121-125, while I devote pp. 1-241 in Vol. III. to Rājadharmā and begin it with a summary of what Āp. Dh. S. states and I treat 'Vyavahāra' in pp. 242-824 (in Vol. III). How far he attempts 'a systematic, critical and comparative

study of the contents of the Dharmasūtras ' (to quote his own words ) in his book is for Sanskrit scholars to judge. I should like to say ( begging his pardon ) that he appears to me to be a conceited writer. I shall set out only one but an important instance. In the first vol. of H. of Dh. I devoted pp. 213-221 to Kātyāyana. I began by calling him one of a triumvirate in the realm of ancient Hindu Law and procedure and based my remarks on quotations contained in a dozen works and authors. I stated ( on p. 213 ) that Kātyāyana appears to have taken Nārada and Bṛhaspati as his models in the treatment of Vyavahāra. I referred to a work called Karmapradīpa of Kātyāyana in Jivananda's collection of Smṛtis and held ( on p. 221 ) that that author is different from Kātyāyana, the Jurist. In 1933 I published ' Kātyāyana-smṛtisāroddhāra ' in which I brought together 973 verses of Kātyāyana on Vyavahāra alone, extracted from twenty works, which work is mentioned by Dr. Banerji in his Bibliography on p. 542. Later on Prof. Ranga-Swami Aiyangar collected over a hundred verses of Kātyāyana the jurist and published them in one of the papers presented to me on my 61st birthday ( vide Kane Festschrift pp. 7-17 ). About Kātyāyana the jurist with whom I dealt on pp. 213-218 ( in Vol. I. of H. of Dh. ) I stated ' All known quotations of Kātyāyana are in verse ' ( p. 218 ). About this Dr. Banerji on p. 241 of his work remarks that Kane is not accurate when he asserts that ' all known.....verse ' and in connection with my remark about Medhātithi's reference to a sūtra of Kātyāyana that ' we must either suppose that he ( Medhātithi ) is referring to some other work of Kātyāyana than the one in verse from which hundreds of verses are cited by other writers or that Kātyāyana's work on Vyavahāra also contained some prose passages ' ( p. 218 ). Dr. Banerji remarks ( pp. 241-42 ) that I am not right in drawing the inference and that ' our collection of prose passages attributed to Kātyāyana by different writers proves conclusively that neither of the inferences of Kane is tenable '. My first inference based on Medhātithi quoting a sūtra of Kātyāyana was that Kātyāyana also wrote another work in sūtra style. Dr. Banerji says this inference is wrong. Then it follows that Kātyāyana did not write another work in prose. My second inference was that Kātyāyana's work on Vyavahāra might have contained prose passages. This, he says, is wrong; if so, it follows that Kātyāyana's Vyavahāra did not contain prose passages. He is inconsistent in this. On p. 53 ( at the top left hand column No. 7 under the caption ' minor writers on Dharmasūtra ' ) he


states about 'Kātyāyana' "it may be pointed out that Kane does not mention the fact that to this author are ascribed sūtras also in addition to verses on Smṛti". Before saying anything more I shall examine the prose extracts from Kātyāyana which Dr. Banerji sets out on pp. 295-296. They are only eleven and taken from seven digests and commentaries. His method seems to be to take up printed Sanskrit nibandhas and commentaries and look at the Index of names of authors quoted or to read hurriedly some passages and when the name Kātyāyana (or any other writer about whom he wants to write) appears, to put it down in his collection without troubling to trace it to its source. I set out the quotations in the learned author's own order.

<i>Number and quotation</i>	<i>Work from which taken and page therein</i>
1 Athāto nityasnānam nadyādaḥ .....pratisiñcet	Gr̥hastharatnākara p. 208
2 aparāhṇe vratopāyanīyamaśnita	Kṛtya-kalpataṛu Gr̥hasthakāṇḍa p. 141
3 ā caturthyā yadahaḥ sampadyate tadahaḥ	Kṛtyaratnākara p. 320
4 ābhyudayike yugmānāśayet	Caturvarga-cintāmaṇi I. p. 141
5 Grāmyābhir-ṣadhibhiḥ sahānnena .....uttarās-tarpayanti	Smṛticandrikā on śrāddha (Mysore ed.) pp. 252-3
6 Chāgosra-meśānālabhya ... vāhṛtya pacet	II p. 203 of above work
7 Piṇḍavacca paścimā pratipattiḥ	Gr̥hastharatnākara p. 284
8 Sāvitrīyā brāhmaṇam-upanayita .....sarveṣām vā sāvitrī	Kṛtyakalpataṛu, Brahmacārio p. 106
9 Sauvarṇa-rājataudumbara .....patrapuṭādiṣu vā	Smṛticandrikā on śrāddha p. 291
10 Strīyaḥ...pratipadi ... .. māvāsyāyām sarvam	Kṛtyaratnākara p. 323
11 Svāhākārapradānahomaḥ	Manvarthamuktāvali of Kullūka p. 93 (i.e. on Manu III. 85.)

Dr. Banerji forgets or ignores that Kātyāyana is a name borne by several eminent authors. There is Kātyāyana, author of the Vārtikas on Pāṇini, who is held to have flourished some centuries before the Christian era, there is an extensive Kātyāyana-śrautasūtra which also is a work of a period before the Christian era. I dealt with a third Kātyāyana in H. of Dh. Vol. I.

who was a *jurist* and whom I assigned to the period between the 4th and 6th century A. D. (p. 218 of vol. I, ed. of 1930). Dr. Banerjee appears to accept this date (p. 242 of his work). If the learned doctor had carefully read the prose passages attributed to Kātyāyana in medieval nibandhas set out by him on pp. 295-296, he would have found that all of them refer to snāna, śrāddha and none refers to law and judicial procedure at all. A cautious scholar would have paused before fathering those passages on Kātyāyana the jurist. The doctor's reading is neither deep nor vast and, not being cautious, he gives free rein to his imagination. The doctor has probably not read or heard that there is a *pariśiṣṭa* in nine *kaṇḍikās* attributed to Kātyāyana and attached to the *Pāraskaragr̥hyasūtra* (which also is spoken of as *Kāṭiya*). I shall show that most of the prose passages he sets out (on pp. 295-296) as Kātyāyana's occur in that *Parīśiṣṭa* (Gujarātī Press ed. of 1917)\* as follows:—

No. 1 *athāto...pratiśiñcet*—Occurs on p. 410 of *pār. Gr.*; No. 2 is in Kātyāyana's *śrautasūtra* II. 1. 10; No. 3 '*ā caturthyā...tadahāḥ*' is on p. 423 *Śrāddhasūtra*, *kaṇḍikā* 6; No. 4 *ābhyudayike...śayet* in *Śrāddhasūtra*, whole of *Kaṇḍikā* 6; No. 5 '*grāmyābhir..... tarpayanti*' and No. 6 '*Chāgs.....pacet*' occur on p. 519 of the Gujarati Press ed. of *Pāraskara Gr.*; No. 7 *piṇḍāvacca..... pratipattiḥ* occurs in *Karmapradīpa* p. 9 *alias* *Chāndogāhnikā* (in B. I. series, Cal. 1909); No. 8 '*sāvitrīyā.....vā Sāvitrī*'—compare *Pāraskara Gr.* (*kāṇḍ*s 2, *kaṇḍika* 3, '*Gāyatrīm, brahmaṇyā-nubrūyāt, Triṣṭubham rājanyasya, Jagatīm vaiśyasya, sarveṣāṃ vā Gāyatrīm*', 7-10). It should be noted that Aparārka (p. 33) quotes from *kātyāyana* the passage '*Gāyatrīyā, triṣṭubhā..... jagatyā... sarveṣāṃ vā gāyatrīm*'; the passage as quoted in the *Kṛtyakalpataru* is almost the same as in *Pār. Gr.* and is attributed to Kātyāyana by Aparārka probably because the *Par. Gr.* is also called *Kāṭiya Gr.* and, as shown above (p. 18), *Pāraskara* is another name of Kātyāyana. No. 9 *Śauvarṇa.....puṭādiṣu vā*—occurs in the *Śrāddhasūtra*, *Kaṇḍikā* 2 (p. 443. Gujarati press ed.); No. 10 '*striyaḥ...pratipadi.....māvāsyāyām sarvam*'—is the whole of *kaṇḍikā* 9 of the *Śrāddhasūtra* (Gujarati press ed. p. 538, except the first three words); No. 11 '*svāhā...homah*'

\* The editor notes that the ms. of *Kṛtyakalpataru* does not attribute No. 8 to Kātyāyana, but as Aparārka on p. 33 attributes an almost identical passage to Kātyāyana, his name is inserted by the editor before this passage. The passage as read by Aparārka is:  *गायत्रीम्। अनुह्रयादिति शेषः*. The *Kṛtyakalpataru* probably summarizes *Pār. Gr.* in its own words.



these words of Kullūka are an echo of Kātyāyana - śrauta - sūtra VI. 10. 20-24 'pratinigadya homāḥ...svāhākārapradānāḥ.' The two passages ( 2, 7 ) out of eleven are so brief that to find their source is like searching for a pin in a haystack. I had to spend hours in tracing the sources of these passages. All these passages, it is clear, do not refer to any juridical matter. Dr. Banerji has often stated as shown above that I had not proved conclusively my propositions. I hope that scholars will concede that I have conclusively proved at least one thing viz. what Dr. Banerji regarded ( on p. 242, line 4 ) as conclusively proved by him has been conclusively proved to be wrong. After this exhibition of his carefulness and scholarship I do not want to expose his vanity and shallowness. He is very anxious to impress on his readers his cleverness and industry. On page 229 of H. of Dh. I, I briefly dealt with Pracetas and remarked that in both Mit. and Aparārka we find prose passages and verses cited from Pracetas. At the end I said a few prose quotations from Pr. are noted in the Smṛticandrikā and by Haradatta. On p. 242 Dr. Banerji could not avoid saying in his usual manner ' Kane is not absolutely accurate in holding that a few prose quotations etc. ' He cites about 61 passages (prose) from Pracetas of which 34 are extracted from the Mit, Aparārka and Smṛticandrikā to which works I had expressly referred. In order to reduce the bulk of the volume I did not set out any prose passages. That is all. I never said that only a few prose passages of Pracetas are known to nibandhas.

The commentary of Haradatta called Ujvalā-vṛtti is the only one so far recovered. For an account of Haradatta, vide sec. 86. The Smṛticandrikā ( I, page 25 ) quotes a passage from the *bhāṣya* of Āpastamba ( II. 6. 15. 19-20 ) and ( II p. 300 ) quotes the explanation of the *bhāṣyakāra* on Āpastamba II. 6. 14. 1. Both these passages are not found in the commentary of Haradatta, though in the latter case, Haradatta holds the same view as that of the *Bhāṣyakāra*. Similarly, the *Vīramitrodaya* ( Vyavahāra, page 671 ) quotes the *bhāṣyakāra* of Āpastamba, but that quotation does not agree with Haradatta. Haradatta himself does not call his work *bhāṣya*, but *vṛtti*. Besides, the Subodhini on the *Mitākṣarā* ( on Yaj. II. 132 ) quotes a passage from the *Āpastambadharmavṛtti* which is found in Haradatta on Āp. II. 6. 14. 1. Haradatta himself cites sometimes two or three other interpretations of the same sūtra ( e. g. on Āp. I. 2. 5. 2 ; I. 3. 10. 6 ; I. 5. 15. 20 ; 3. 16 ). So the *bhāṣyakāra* was probably one of his predecessors.

It appears from the *Kalpataru* of Lakṣmīdhara that Kapardin wrote a bhāṣya on Āp. Dh. S. e. g. the *Brahmacārī-kāṇḍa* of that work on p. 15 quotes Āp. Dh. S. II. 2. 1, 2-5 and remarks 'etacca nityānām-eva karmaṇām phalāntaram-iti Kapardibhāṣyam'; also on p. 257 it quotes Āp. Dh. S. I. 3. 11. 27-34 and cites एकसूक्तः एकचरः शृगाल इति कपर्दी. Lakṣmīdhara on śrāddha cites the explanation of Āp. Dh. S. II. 7.17. 21 'Śvitri...sūdrotpanno brāhmanyāmityete śrāddhe...panktidūṣaṇā bhavanti' and Haradatta seems to have taken it from Kapardin. In *Naiyatakāla-kāṇḍa* it quotes Kapardibhāṣya on Āp. Dh. S. I. 17. 37 ( pp. 239 and 306 ); on pp. 275-6 Āp. Dh. S. I. 2. 7. 19-21 are quoted and Kapardibhāṣya on 'Ugrataḥ sūdrato vāharet' is quoted. From a corrupt passage in Mr. Gharpure's edition of the *Smṛticandrikā* (2nd part p. 419 ) it follows that Dhūrtasvāmin had either composed a bhāṣya on Āp. Dh. S. ( the reference is to Āp. Dh. I. 5. 17. 18 and 20 'śuktam ca' and 'Śuktam cāparayogam' or that he had in some other work referred to Āp. aphorisms and explained them. Dhūrtasvāmin wrote a bhāṣya on the Śrauta-sūtra of Āpastamba, the first vol. of which was published in G. O. S. in 1956.

In *Aparārka*, Haradatta, *Smṛticandrikā* and other works there are numerous quotations in verse ascribed to Āpastamba. These quotations are concerned with topics of Āhnikā, Śrāddha, and Prāyaścitta. The *Smṛticandrikā* (III. pp. 423 and 426 ) quotes a *Stotrāpastamba*. Haradatta on Gautama (22. 18 ) quotes several verses on prāyaścitta from Āpastamba. Three of these verses are found in the Āpastamba-smṛti in verse ( Jivananda's collection vol. I pp. 567-584 chap. I verses 16, 19, 31 ). The Smṛti printed by Jivananda contains about 207 verses in ten chapters on prāyaścitta and purifications. But the quotations from the *Smṛticandrikā* and *Aparārka* show that the verse Āpastamba was a much larger work and since they regarded the versified work as equally authoritative with the sūtra work, the versified smṛti must have been comparatively an ancient work.

Shri. A. N. Krishna Aiyangar in *Kunhan Raja Felicitation Volume* ( pp. 392-397 ) points out that there are some additional sūtras of Āp. Dh. S. In the *Rangaswami Aiyangar Compendium* ( pp. 367-369 ) an account is given of an Āpastambasmṛti in the Adyar Library in six paṭalas and 800 *grantha*.



**8. Hiranyakeśi-dharmasūtra.**

The Hiranyakeśi-dharmasūtra forms the 26th and 27th *praśnas* of the Hiranyakeśi-kalpa. The Śrauta-sūtra has been published by the Ānandāśrama Press (Poona). The Hiranyakeśi-grhya-sūtra was edited with extracts from the commentary of Mātrdatta by Dr. Kirsto (Vienna, 1889). The Grhya forms the 19th and 20th *praśnas* of the Kalpa, each *praśna* being divided into eight *paṭalas*. The Śrauta-sūtra is largely based on the Śrauta-sūtra of Āpastamba. The Grhya-sūtra is indebted to the Grhya-sūtra of Bhāradvāja. The Dharmasūtra of Hiranyakeśin can hardly be called an independent work. Hundreds of sūtras are borrowed word for word from the Āpastamba Dharmasūtra. The Dharmasūtra of Hiranyakeśin is therefore the oldest voucher for the authenticity of Āpastamba's text and is very valuable for checking the latter.

The Hiranyakeśins form a sūtra-carana of the Khāṇḍikeya section of the Taittirīyāsākhā and were formed later than the Āpastambīya School. In a grant of the Kongu kings dated in 454 A. D. Brāhmaṇas of the Hiranyakeśi School are mentioned (I. A. vol. V. page 136). According to the Mahārṇava quoted in the commentary of the Caranavyūha, the Hiranyakeśins were to be found in the south-west between the Sahya mountain and the ocean and near Paraśurāma (i. e. in the Konkan). There are at present many Brāhmaṇas in the Ratnagiri District who call themselves Hiranyakeśins. The Dattaka-mīmāṃsā of Nanda-panḍita twice quotes passages from the commentary of Śabarāsvāmin on the sūtra of Satyāśāḍha. If he was identical with the great commentator of the Pūrva-mīmāṃsā (which is almost certain), then we would have unimpeachable evidence for the existence of the works of the Hiranyakeśins long before 200-400 A. D.

Bühler in his second edition of the Āpastamba-dharmasūtra (1893) gave (in appendix II) the various readings of the Hiranyakeśi-dharmasūtra from two MSS. I secured a modern transcript of the Hiranyakeśi-dharmasūtra from the Deccan College collection (No. 138 of 1881-82), which contains the text and also the commentray of Mahādeva thereon. There are 18 folios for the sūtra and 101 for the commentary. That ms. presents some readings which are not noticed by Bühler as found in the two mss. consulted by him. For example, the ms. reads "saptama āyuskāmamaṣṭame brahmavaracasakāman (reversing



while Āpastamba has eleven pāṭalas in each of the two *praśnas*. The distribution of sūtras in the khaṇḍikās is therefore different in the two works. Hiranyakeśi has 31 khaṇḍikās in the first *praśna* and 20 in the second. Besides, a few of the khaṇḍikās are differently placed. The first khaṇḍikā of Hiranyakeśi (first *praśna*) stops after Āp. I. 1. 2. 1, the third reaches up to Āp. I. 1. 4. 6 : Āp. I. 8. 22 and 23 (the adhyātmāpāṭala) come in Hiranyakeśi immediately after Āp. I. 6. 19 and are Hiranyao I. 6. 20 ; Āp. I. 7. 20 and 21 = Hir. I. 6. 21-22 ; Āp. I. 9. 24 and 25. 1-4 = Hir. I. 6. 23 ; Āp. I. 9. 25. 4-13 and I. 9. 26. 1-10 = Hir. I. 7. 24 ; Āp. I. 9. 26. 11-14 and I. 9. 27 = Hir. I. 7. 25 ; Āp. I. 10. 28 = Hir. I. 7. 26 ; Āp. I. 11. 31. 1-10 = Hir. I. 8. 29 ; Āp. I. 11. 31. 11-23 = Hir. I. 8. 30. In the second *praśna* the variance in distribution of sūtras into khaṇḍikās is still greater. Besides, Āp. II. 4. 8-9 are placed in Hiranyakeśi before Āp. II. 3. 6-7 and Āp. II. 6. 13-15 before Āp. II. 5. 10-11. Sometimes a single sūtra of Āpastamba is split up into two and placed in two different khaṇḍikās, e. g. Āp. I. 9. 25. 4 is split into Hir. I. 6. 23. 31 and I. 7. 24. 1 (the portion from 'rājānam gatvā' being the first sūtra of Hiranyakeśi, 24th Khaṇḍikā).

The com. of Mahādeva Dikṣita called Ujjvalā, is almost word for word the same as that of Haradatta's Ujjvalā. That one has borrowed from the other admits of no doubt and Bühler thinks that Mahādeva is the borrower. But there is hardly anything to turn the scales in favour of Haradatta. Sometimes Mahādeva's commentary contains more matter than Haradatta's (e. g. on the sūtras 'Saptame brahmavarcasakāmam &c', 'Upanayanam vidyārthasya śrutitah', 'dvādaśāvarardhyam' and sometimes Haradatta contains more explanation (e. g. on 'tasmiṃśca vidyākarmāntam' &c.; on 'nāpsu ślāghamānaḥ snāyāt', on 'pāṇisamkṣubdhenodakenaika &c.'. Mahādeva differs from Haradatta's explanation of the word 'atha', which the former takes in the sense of 'ānantarya or adhikāra', while the latter takes it only in the sense of 'ānantarya'. That Mahādeva also is an early writer follows from the fact (noted by Buhler p. 117 n) that portions of his commentary are contained in the Munich Ms. of Haradatta dated Vikrama-Saṃvat 1668 (1611-12 A.D.). It is to be noted that Haradatta after saluting Gaṇeśa at the beginning of his Ujjvalā does obeisance to Mahādeva (which may mean God Śiva or the author Mahādeva if he was the *guru* or father of Haradatta). Mahādeva often comments on the sūtras as found in Āpastamba and not on the readings of them as existing

in the Hiraṇyakeśi school; e. g. he comments on 'padūnam', on 'adhāsanaśāyī' for ardhāsanaśāyī (the reading of the sūtra), on 'ātmasvastyayanārthena' (Āp. II. 5. 11. 9) for 'svastyayanārthena' of the ms. of Hir. The explanations of the two writers sometimes differ, as for example on 'ācāryādhīnas syād-anyatra patanīyebhyaḥ' (Āp. I. 1. 2. 19<sup>104</sup>). One more circumstance that is worthy of note is that the Ujjvalā of Haradatta does not contain many quotations from Smṛtis as compared with his commentary on the Gautamadharmasūtra. Although one may be inclined to hold that it is Mahādeva who borrows, it must be clearly recognized that there is hardly any positive evidence in support of such a view. There is a commentary called Vaijayanti on the Hiraṇyakeśi-śrauta-sūtra. This Mahādeva is very likely identical with the Mahādeva who commented upon the dharmasūtra.

### 9. Vasīṣṭha-dharmasūtra.

This *dharmasūtra* has been printed several times. The collection of Jivanada (part II, pp. 456-496) contains only 20 chapters and a portion of the 21st and so does the collection of Mr. M. N. Dutt (Calcutta 1908). The Ānandāśrama collection of smṛtis (1905, pp. 187-231) and the edition of Dr. Führer in the B. S. series (1916) contain thirty chapters. According to Dr. Jolly (R. u S, p. 6) some mss. give only six or ten chapters. The Vasīṣṭhadharmasūtra with the commentary called Vidvanmodinī was printed at Benares. In the following Dr. Führer's edition has been used.

Kumārila (vide notè 55 above) tells us that the dharma-sūtra of Vasīṣṭha was specially studied by the students of the Rgveda, but that along with other dharmasūtras it is authoritative for all *caranas*. No śrauta and grhya sūtras of Vasīṣṭha, if they ever existed, have come down to us. We have therefore to fall back upon one of two hypotheses, viz. either the dharma-sūtra of Vasīṣṭha is the solitary remnant of a school that might have once possessed a complete *kalpa* or that it was composed as an independent work on *dharma* and was subsequently seized upon by the students of the Rgveda, who had only śrauta and grhya sūtras of Āśvalāyana. For reasons given elsewhere I incline to the latter view. The *dharmasūtra* of Vasīṣṭha cites

104 हरदत्त explains 'आचार्याधीनो भवेत्युपनयनान्ते यत्संज्ञासनं तस्मिन् दृष्ट्वा आचार्याधीनता-  
नूयते,' while महादेव makes it a शिष्ये 'आचार्याधीनतया स्थापयामि शिष्ये'



quotations from all Vedas and beyond the name *Vasiṣṭha* there is hardly anything special in the *dharmasūtra* to connect it with the *R̥gveda*. It is true that in the 17th chap. several verses of the *R̥gveda* (such as I. 21. 5, I. 124. 7, V. 4. 10 which occur in *sūtras* 3, 16 and 4 respectively) and several passages from the story of *Śunaḥśepa* in the *Aitareya-brāhmaṇa* are quoted by the *sūtra* and that several hymns of the *R̥gveda*, such as the *asyavāmīya* (*R̥g.* 1. 164), *haviṣpāntīya* (*R̥g.* X. 88), *Aghamarṣaṇa* (*X.* 190), are referred to in the 26th chap. But there is nothing remarkable in this as some of the verses and *sūktas* are mentioned in the *Baudhāyanadharmasūtra* also. Besides, the *Vas. Dh. S.* quotes several passages from the *Taittirīyasamhitā* (as in *Vas.* V. 7-9, which quote *Tai. S.* II. 5. 1-6 and *Vas.* XI. 48 which quotes *Tai. S.* VI. 3. 10. 5), the *Śatapatha-brāhmaṇa*, the *Māitrāyaṇīya-samhitā* (in *Vas.* I. 37).

The contents of the *Vas. Dh. S.* are:— I. Definition of *Dharma*, limits of *Āryāvarta*, who are sinners, the mortal sins, a *brāhmaṇa* can marry a girl of any of the three higher castes, six forms of marriage, the king was to regulate the conduct of people and to take the sixth part of wealth as a tax; II. The four *varṇas*, the greatness of *ūcārya*, before *upanayana* there is no authority for religious rites, the privileges and duties of the four castes, in distress a *Brāhmaṇa* could subsist by resorting to the calling of a *Kṣatriya* or *Vaiśya*; a *Brāhmaṇa* was forbidden to sell certain things, usury condemned, rates of interest allowed; III. Censure of illiterate *Brāhmaṇa*, rules on finding treasure-trove, who are *ātatūyins*, when they could be killed in self-defence, who are *pañktipāvanas*, constitution of a *pariṣad*, rules about *ūcamana*, *śauca* and purification of various substances; IV. The constitution of the four castes is based upon birth and the performance of *samskāras*, the duties common to all castes, honouring guests, *madhuparka*, impurity on birth and death; V. dependence of women, rules of conduct for a *rajasvalā*; VI. usage is transcendental *dharma*, praise of *ūcūra*, rules about answering calls of nature, moral characteristics of a *brāhmaṇa* and the peculiar characteristics of a *śūdra*, censure of partaking food at the houses of *śūdras*, rules of etiquette and good breeding; VII the four *āśramas*, and the duties of a student; VIII. Duties of a householder, honouring guests; IX. rules for forest hermits; rules for *sannyāsins*; XI. six persons who deserve special honour, viz. the priest at the sacrifice, son-in-law, king, paternal and maternal uncles and a *snātaka*; order of precedence in serving

food, guests, rules about śrāddha, times for it, the brāhmaṇas to be invited at it, rules about *agnihotra*, *upanayana*, the proper time, staff, girdle &c. for it; method of begging for alms. *prāyaścitta* for those whose *upanayana* is not performed; XII. rules of conduct for a *snātaka*; XIII. rules about the beginning of Vedic study, rules about holidays for Vedic studies, rules about falling at the feet of *guru* and others, guiding principles in precedence as regards respect (learning, wealth, age, relationship, avocation, each prior deserving more consideration than each succeeding one), rule of the road; XIV. rules about forbidden and permitted food, rules about the flesh of certain birds and animals; XV. rules of adoption, about excommunication of those who revile the Vedas or perform sacrifice for *sūdras* and for other sins; XVI. About administration of justice, king as guardian of minors, threefold *pramāṇas*, viz. documents, witnesses and possession; rules about adverse possession and about king's advisers; qualifications of witnesses; perjury condoned in certain cases; XVII. praise of *aurasa* son; conflicting views about *kṣetraja* son, viz. whether he belongs to the begetter or to him on whose wife he is begotten; twelve kinds of sons; partition between brothers, grounds of exclusion from partition, rules of *niyoga*, rules about grown-up unmarried girl, rules of inheritance, king as ultimate heir; XVIII. *pratiloma* castes such as *cāṇḍāla*, no Vedic studies for *sūdras* or in their presence; XIX. king's duty to protect and to punish; importance of *purohita*, XX. about *prāyaścittas* for various acts unknowingly or knowingly done; XXI. *prāyaścitta* for adultery by *Sūdra* and others with women of the *Brāhmaṇa* caste or for cow-killing; XXII. *prāyaścitta* for eating forbidden food, sacred texts that purify in case of sins; XXIII. penances for *Brahmacārin* having sexual intercourse, for drinking wine &c.; XXIV. *Kṛcchra* and *Atikṛcchra*; XXV. secret penances and penances for lesser sins; XXVI-VII, virtues of *prāṇāyāma*, Vedic hymns and *Gāyatrī* as purifiers; XXVIII. praise of women, eulogy on Vedic *mantras* like *Aghamarṣaṇa* and of gifts; XXIX. rewards of gifts, *brahmacharya*, *tapas* &c.; XXX. eulogy of *dharma*, truth and *brāhmaṇa*.

The Vas. Dh. S. resembles in several respects the other dharmaśāstras described above. It contains almost the same subjects and is similarly composed in prose interspersed with verses. The Vas. Dh. S. is in style like the *Gautama-dharmaśāstra* and has many sūtras identical with or closely resembling those

of the latter. Vide. p. 18 above. It has also several sūtras closely corresponding with the sūtras of Baudhāyana. Grave doubts have been entertained about the authenticity of the whole of the text of the Vas. Dh. S. as the mss. contain varying numbers of chapters from 6 to 30, and as the text is hopelessly corrupt in several places (e. g. vide note 108 below). The Vas. Dh. S. contains many verses which bear the impress of a comparatively late age. Chapters 25-28 are entirely in verse, while there are other chapters (like III. 2-12, VI. 1-13, XI. 20-42) which contain many verses interspersed between prose passages. In this respect Vasiṣṭha's work is on a par with Baudhāyana's, in the fourth prāśna of which there are chapters entirely consisting of verses. It has therefore been argued that the text of Vasiṣṭha was tampered with freely, particularly as regards the chapters at the end. But as shown below it will have to be admitted that the interpolations, whatever they may be, were made at a very early period. The Mitākṣarā quotes Vas. by name about 80 times and the quotations are taken from almost every chapter from the first to the last. For example, Mit. quotes Vas. 27. 1 on Yāj. III. 310, Vas. 27. 21 on Yāj. III. 323, Vas. 28. 7 on Yāj. III. 297, Vas. 28. 18, 19 and 22 on Yāj. III. 309. Even Medhātithi quotes Vasiṣṭha over twenty times. The quotations are mostly taken from the first chapter to the 21st. Only one quotation from the last few chapters (viz. 27. 16) has been found in Medhātithi (on Manu XI. 211) and that too is not quoted as Vasiṣṭha's, but is ascribed to 'others.' Viśvarūpa, who flourished about the first quarter of the 9th century quotes Vas. about thirty times in his commentary on the *ūcūra* and *vyavahāra* sections of Yāj. These quotations hardly differ in any respect from the text of Dr. Führer's edition and are scattered over almost all chapters from the 1st to the 17th, six quotations being taken from chapters 3 and 17 each. In the *prāyaścitta* section Viśvarūpa quotes Vas. even more frequently. Besides several sūtras from the 1st, 4th, 10th and 11th chapters, he quotes here no less than 22 sūtras of the 20th chap. and 9 of the 21st. Moreover, sūtras 37 and 39 of the 23rd chap. are quoted (on Yāj. III. 281-282). What is more remarkable is that two verses (2-3) of the 28th chapter are ascribed to Vasiṣṭha and explained in detail (on Yāj. III. 256), while Vas. 28. 4 is quoted without the author's name. These facts make it certain that the Vas. Dh. S. contained in Viśvarūpa's day all the chapters from the first to the 23rd and also the 28th. Śaṅkara in his bhāṣya in Br. Upa. niṣad (III. 5. 1) quotes Vas. X. 4 and on Br. Up. IV. 5. 15 he

quotes Vas. VII. 3. The Vas. Dh. S. quotes numerous verses preceded by the words "athāpyudāharanti", which is the case with Baudhāyana also. The word 'Udāharanti' or the words 'athāpyudāharanti' occur in Vas. about 42 times. In Chap. 14 alone the words 'api hyatra Prājāpatyān ślokān-udāharanti' occur thrice viz., once before verses 16-19 (of which verses 16 and 18 are the same as Manu IV. 248-49 and are quoted from a Purāṇa in Āp. Dh. S. I. 6. 19. 13); again before verses 24-27 of which 24 is the same as Manu V. 137 and Baud. Dh. S. I. 5. 56); and a third time before Vas. 14. 30-32. The words 'Mānavam śloka mudāharanti' occur four times in Vas. viz. in 3. 2 (same as Manu II. 168), in Vas. 19. 37 (which is in Indravajrā metre), in Vas. 20. 18 (same as Manu 11. 151 with slight variations). In some cases where the word 'udāharanti' is used in Vas. the verse occurs in Vas., Baud. Dh. S. and Manu also. For example, Vas. I. 22 = Manu 11. 180 = Baud. Dh. S. II. 1. 62; Vas. 2.30 = Manu 10. 91 = Baud. Dh. S. II. 1. 52; Vas. 5. 3 = Manu 9. 3 = Baud. Dh. S. II. 2. 46; Vas. 11. 27-28 = Manu 3. 125-26 = Baud. Dh. S. II. 8. 21-22; Vas. 11.25 = Manu 3. 225 = Baud. Dh. II. 8. 14 (with slight variation). In Āp. Dh. S. II. 6. 13. 6 (the verse apramattā rakṣatha &c), Baud. Dh. S. II. 2. 36, Vas. 17.9 the same verse occurs preceded by 'udāharanti'. Some verses, though not introduced with the words 'athāpyudāharanti' or with 'udāharanti' occur in all three e. g. Vas. 3. 5, 6 and 11 are same as Manu 12. 114, 115 and Manu 2. 157 respectively, and as Baud. Dh. I. 1. 10, 12 and 11 respectively. The same verses are sometimes found in three different sūtra works. For example, Āp. Dh. S. II. 4. 9. 13 = Baud. Dh. S. II. 7. 22-23 (both works introduce with 'athāpyudāharanti') = Vas. 6. 20-21 (without āthāpyu. &c). In many cases Āp. Dh. S. and Vas. have great verbal agreement in their sūtras e. g. compare Āp. I. 4. 12. 8 and Vas. I. 7; Āp. I. 5. 15. 16 with Vas. 23. 33; Āp. 1. 9. 25. 1-2, Gautama 23. 9. 11 with Vas. 20. 13; Āp. II. 8. 17. 22 (on 'panktipāvana') with Vas. 3. 19, Gaut. 15. 28, Manu III. 185. Vas. quotes a verse (gāthā) from the Nidāna (work) of the Bhāllavins (a Sāmaveda Śākhā).<sup>104a</sup> Compare Āp. Dh. S. II. 6. 13. 5 (utpādayituh putra iti Brāhmaṇam) with Vas. 17. 63 (aniyuktāyām-utpanna utpādayituh putro bhavati-

104a अथापि भाल्लविनो निदाने गाथामुदाहरन्ति । पश्चात्सिन्धुर्विधारणी सूर्यस्योदयस्य सूरः । यावत्कृष्णो विधावति तावद्ब्रह्मवर्चसम् ॥ इति । वसिष्ठ I. 14-15, (वि. ५. 1) 1. 27 (28) reads अथाप्यत्र, omits the word निदाने, reads विसर्जनी कृष्णा विधावन्ति, तावद्ब्रह्म.



tyāhuḥ). Vas. has many sūtras on several topics very similar in language to Gautama. Compare Vas. XI. 16 and 14 with Gaut. 15. 3 and 5 (on śrāddha); Vas. XI. 49-51, 71-73 with Gaut. I. 6, 12-14; Vas. 17. 42-45 with Gaut. 28. 3-8; Vas. 13 8 ff with Gaut. 16.5 ff (on anadhyāya). Chapters VI-IX of Gautama have many sūtras very similar to Vasiṣṭha's.

But the relation between Vas. and the Manusmṛti is most important; at least 61 verses of the extant Manusmṛti are identical with Vasiṣṭha's (except for a word or a letter or two in a few cases). Of these some expressly mention the quotation as 'Mānavam <sup>104b</sup>, or 'Mānavam ślokaṃ' (vide above), or use the word 'udāharanti' about seventeen times, leaving no doubt as to whether they are quotations. Vas. IV. 5 and XVI. 30 are in prose but use the very words of the Manusmṛti viz. Manu 5. 22, 32, 42 and Manu 8. 68 respectively. Some of the verses quoted in Vas. contain the word (Manu) as in IV. 6. There are at least five verses in Vas. three *pādas* of which are the same as in the verses of the extant Manu (compare Vas. 3. 59 and M. 5. 123, Vas. 6. 43 and M. 12. 109, Vas. 26. 14 and M. 4. 146, Vas. 30. 7 and Manu 7. 84 and six passages that contain half verses that are common to Vas. and Manu (Vas. 3. 8 and M. III. 128. Vas. 6. 11 and M. 4. 52, Vas. 8. 8 and M. 3. 103 and Vas. 10. 5 and M. 2. 83, Vas. 13. 16 (Mānavasloka) and Manu 4. 117, Vas. 18. 10 (Pāraśavo...tyāhuḥ) and M. 9. 178. Several verses occur without these words being prefixed, but most of them seem to be quotations (e. g. Vas. II. 3 which combines Manu. II. 169 and 170, IV. 6 which is Manu 5. 41, VI. 6 and 8 which are Manu IV. 157 and 158). Some of these verses introduced with the words 'athāpi' &c. as well as some of those not so introduced are in the regular classical Upajāti, Upendravajrā or Indravajrā (vide I. 38, X. 20 for verses with *athāpi* &c. and VI. 9 and 25, X. 17, XVI. 36 for verses without them). Some of the verses are in the ancient Triṣṭubh form (e. g. VI. 3 and 30, VIII. 17, XVII. 71). In one verse (VI. 5) there are twelve letters in the first *pāda* and eleven in the rest. One quotation with words "athāpi" &c. is in prose (II. 5). There are a few un-Pāṇinian forms like 'Vivadanti'

104 b 'Mānavam' does not mean Mānava-dharma-sūtra. That is a gratuitous assumption. Kumārila (650-700 A. D.) quotes the extant Manusmṛti as Mānavam on P. M. S. I. 3.2 (p. 167 of Ānan. ed.); मानवेऽप्यभिहितम्। प्रत्यक्षमनुमानं च।...मभीप्सता॥ This is Manu vide also note above for Mānava.



in XIV. 47 (vide Pāṇini I. 3. 47). It looks as if the dharma-sūtra once ended with the 24th chapter, where we have an injunction (in sūtra 6) against imparting the dharmaśāstra to one who is not a son or pupil. The same sūtra occurs in Baudhāyana Dh. S. IV. 4. 9 and the succeeding sūtra is the same in both. But the words 'prāyaścitta has been described in the *rahasya* sections for playing false to the husband' (in Vas. V. 4) apparently refer either to chapters 25-28 (which contain *rahasya* penances) or to some prototype of those chapters now lost.

The Vas. Dh. S. quotes largely from the Rgveda and other Vedic *Saṃhitās*. Among the Brāhmaṇas, the Aitareya and Satapatha are frequently cited. The Vājasaneyaka (Vas. 12. 31 and 23. 13) and the Kāthaka (Vas. 12. 24 and 30. 5) are mentioned by name. The Tai. Āraṇyaka is quoted in Vas. 23. 23. The Upaniṣads and Vedānta occur in 22. 9. Vasiṣṭha quotes a *gāthā* of the Bhāṭṭavins from their Nidāna work about the extent of the home of Brahmanism, which is quoted by Baudhāyana also (Dh. S. I. 1. 27). He speaks of the *aṅgas* of the Veda (3. 23 and 13. 7) and gives their number as six (3. 19). Itihāsa and Purāṇa are mentioned in 27. 6. The science of words (grammar), of omens and portents, and of astrology and astronomy (Nakṣatravidyā) are referred to in 10. 20-21. He prohibits the learning of the language of the Mlecchas (in 6. 41). Vas. quotes a verse that states that the view holding the *aprāmāṇya* of the Vedas leads to perdition (12. 41). In Vas. II. 8-11 occurs the Vidyāsūkta in four verses that we meet with in the Nirukta (II. 4). Vasiṣṭha calls his own work dharmaśāstra (in 24. 6) and probably refers to other works on *dharma* in the words 'one who studies dharmas' (in 3. 19). The study of dharmaśāstra as a penance for even mortal sins is spoken of in 27. 19. Vas. quotes several authors on dharmaśāstra. He quotes a verse from Hārīta (in II. 6) which occurs in Baudhāyana also with slight variations (Baud. Dh. S. I. 2. 7), though without the author's name. The two halves of this verse are almost the same as the latter halves of Manu. 2. 171-172. Bühler is therefore not quite accurate when he says without qualification that the verse attributed to Hārīta occurs in Manu (p. XX, S. B. E. vol. XIV). Vas. quotes Gautama twice (in 4. 35 and 37) about impurity on death, the first corresponding to Gautama (14. 41), while there is nothing in Gautama to correspond to the 2nd. Vas. quotes a verse (11. 20) which mentions Yama by name



and embodies the latter's views. Vas. (18. 13-15) quotes three ślokas sung by Yama, one of which (14) is the same as Manu 4. 80 and another (15) is very similar to Manu 4. 81. Another śloka of Yama is quoted by Vas. (19. 48) which is almost the same as Manu 5. 93. From these facts and others Bühler draws the conclusion (S. B. E. vol. XIV, p. XX) that these verses were taken from the Mānavadharmasūtra, which occupied the same position in Vasiṣṭha's day as the Manusmṛti does at present. I demur to this conclusion, which will be discussed later on in detail (under Manusmṛti). Vas. (14. 30-32) quotes ślokas of Prajāpati, the first of which mentions Yama by name<sup>104c</sup>. Vas. 14. 16-19 and 24-27 are quoted as ślokas of Prajāpati, three of which (14. 16, 18 and 24) are practically the same as Manu. 4. 248, 249 and 5. 127. Vas. 14. 19 contains a *pūda* which occurs in Manu 4. 212. It is remarkable that the Vas. Dh. S. cites Vasiṣṭha himself with great reverence (as *bhagavān*) in 2. 50 (about the rate of interest), 24. 5 (about Kṛcchra penance), 30. 11. In numerous places the Vas. Dh. S. either refers to Manu by name or quotes the views of Manu (under the form 'iti Mānavam') or a śloka of Manu (with words 'Mānavam ślokaṃ'). All these passages have an important bearing on the age of the Manusmṛti and on the supposed existence of a Mānavadharmasūtra. They therefore deserve to be carefully examined. Vas. I. 17 is in prose (about local, family or caste usages) and summaries the views of Manu. The absence of the word 'iti' before *abrahmān* 'Manuḥ' and the form of the sūtra itself clearly establish that Vas. is not directly quoting a

104 c Vasiṣṭha 14.16-19 and 24-27 are quoted as ślokas of Prajāpati. Several of them are quoted in different works and ascribed to other sources. For example, Vas. 14.16 and 18 are quoted from a Purāṇa in Āp. Dh. S. I. 6. 19. 13, and these two are practically the same as Manu IV. 248-249 and Viṣṇu Dh. S. 57. 11-12, Vas. 14. 19 is almost the same as Āp. Dh. S. I. 6. 19. 14 and a part of it is Manu IV. 212; Vas. 14. 24 is the same as Manu V. 127, Baud. Dh. S. I. 5. 56, Anuśāsanaparva 104. 40, Viṣṇu 23. 47.

It may be pointed out that Aparārka (p. 1322 on Yāj. III. 311) quotes Vas. 28. 10-11 and a prose passage (of 6 lines) in which the Aghamarṣaṇa hymn, Rg. X. 189 (āyam gauḥ &c.), Rg. IV. 40. 5 (Hamsaḥ śuciṣad) and the Gāyatrī are prescribed as expiations. Vas. 28. 10-15 occur in Viṣṇu Dh. S. chap. 56, and 28. 11-15 in Saṅkhasmṛti (Ānan.) X. 1-5 (with slight variations) and Vas. 28. 11 (aghamarṣaṇam &c.) also occurs in Baud. Dh. S. IV. 3. 2 (the *pūda* being different) preceded by 'athāpyudāharanti'. Vas. 28. 10-15 are quoted as Vasiṣṭha's in Sm. C. I. p. 187 (Gharpure's edition).

sūtra of Manu. That sūtra is only a summary of our Manu I. 118. Vas. 3. 2 (which is preceded by the words 'Mānavam ślokaṃ' is Manu II. 168. And so are Vas. 13. 16, 20. 18, which are Manu 4. 117 and 11. 151 (with very slight variations). That the latter existed in Vasiṣṭha's text is vouched for by Aparārka (p. 1075). Vas. 4. 5 is in prose and cites the view of Manu that animals may be sacrificed only for worshipping and honouring the manes, deities and guests <sup>105</sup>. There is hardly anything to show that it is a direct quotation from Manu and not a summary of Manu's views. The sūtra briefly summaries the views that we find expressed in our Manu 5. 22, 32, 41 and 42 (the words of 42 'eṣvartheṣu paśuṃ hiṃsan' are interesting and bear a close resemblance to 'paśuṃ hiṃsyād' in Vas.). That sūtra is followed by a verse which is the same as Manu 5. 41. It is to be noted that the same verse occurs in the dharmasūtra of Viṣṇu (51. 64) which reads 'nānyatreṭi kathamcana' for 'nānyathety bravīn Manuḥ'. This change appears to have been purposely made to keep up the impression that the Viṣṇu Dh. S. emanated from Viṣṇu himself and so could not have borrowed from a human author. Vas. 4. 7 is very similar to Manu 5. 48. Bühler (S. B. E. Vol. 25, P. XXXI) is wrong in taking Vas. 4. 8 as a quotation from the Mānavadharmasūtra. There is nothing to show that it is so taken. It is more probably a quotation from or a summary of a Brāhmaṇa passage (compare a quotation in Aparārka on Yāj. 1. 109, which is similar). Vas. 23. 43 (where Manu is referred to as prescribing an easy penance called Śiśukṛcchra for children and old men) corresponds more or less with Manu 11. 211 and 219 and Vas. 26. 8 has evidently Manu 11. 260 in view. There are only two places in Vasiṣṭha where the name of Manu occurs for which it is not possible to point out a corresponding verse in the Manusmṛti. They are Vas. 12. 16 and 19. 37. The latter is cited as a Mānava-śloka and is in the Upajāti metre. <sup>106</sup> Because this is not found in our Manu, Bühler and other Western scholars seem to think

105 पितृदेवातिथिपूजायामप्येव पशुं हिंस्यादिति मानवम् । वसिष्ठ 4. 5 ; वसिष्ठ 4. 8 is अथापि ब्राह्मणाय वा राजन्याय वाभ्यागताय महोक्षाणं वा महाजं वा पचेदेवमस्मा आतिथ्यं कुर्वन्तीति ।

106 छुल्के चापि मानवं श्लोकमुदाहरन्ति—न भिन्नकार्षापणमस्ति छुल्के न शिल्पवृत्तौ न शिशौ न दूते । न भैक्षलब्धे न हृतावशेषे न श्रोत्रिये न प्रवजिते न यज्ञे ॥ The vi. r. (p. 305) says 'वसिष्ठः छुल्के चापि मानवं श्लोकमुदाहरति न भिन्न' &c. The verse 'न भिन्न' is quoted by the Mat. on Yāj I. 263. Even later writers quote the verses of Manu as 'Mānava-śloka, e. g. Aparārka on Yāj. III. 255 quotes (p. 1075) Manu XI. 151 as Mānava-śloka which is cited by Vasiṣṭha (20. 18).



that the verse is taken from the Mānavadharmasūtra which once existed in mixed prose and verse and is now lost. But, as will be shown elsewhere, this hypothesis is based, to say the least, on very slender foundations. Besides these two that are not found in our Manu, there are about forty verses that are common to the Vas. Dh. S. and the Manusmṛti and about a dozen verses which, though not strictly identical, are more or less similar. There are several prose sūtras of Vas. which correspond to the verses of Manu almost word for word.<sup>107</sup> The hypothesis that commends itself to me is that Vas. contains borrowings from the Manusmṛti or its purer ancient original in verse.

In the words 'Śrāmaṇakenāgnimādhāya' (Vas. 9. 10), the sūtra of Vikhanas seems to be referred to. Gautama (Dh. S. 3. 26) contains the same words. Vasiṣṭha's 22nd chap. is the same as Gautama's 19th and Baudhāyana's tenth in the 3rd *praśna* and seems to have been borrowed from Gautama. Vasiṣṭha refers to the views of others in the words 'eke' or 'anye' (Vas. 1. 12, 13, 25; 4. 10; 17. 66; 20. 2). Dr. Jolly (S. B. E. vol. VII, p. XVIII) thinks that Vas. 28. 10-15 and 18-22 are borrowed from the Viṣṇudharmasūtra chap. LVI and LXXXVII or its original the Kāthakadharmasūtra. Dr. Jolly is not right with regard to both the places. Bühler has already pointed out his mistake as to the second passage (S. B. E. vol. XIV p. XXII). The verses in Vas. 28. 10-15 occur in several smṛtis (vide Śaṅkhasmṛti, 10th chap. in Jivananda's ed. part II. pp. 356-357 for the same verses). Vasiṣṭha, chap. 28, verses 1-6 occur in Atrismṛti VI. 1-6 (Ānan. collection of Smṛtis) with slight variations of which the first five are quoted as Atri's by the Gr̥hastharatnākara p. 245 and verse 6 ('agnerapatyam' occurs in Padmapurāṇa, Vanaparva 200. 128 (Ch. ed.), Saṁvarta (77) and in 'Gupta Inscriptions' No. 81 at p. 296 and in other Inscriptions. Vide H. of Dh. Vol. II. p. 1272, No. 5 (in some cases the third pāda of 'Agner-apatym' is different). Verses 18-22 of Vas. 28 occur in the Atri Smṛti VI. 7-11 and in Viṣṇu Dh. S., chap. 87 (last two verses are the same as Vas. 28. 21-22)

107 वसिष्ठ 7. 3. 'तेषां वेदमधीत्य वेदौ वेदान्वाविशीर्णब्रह्मचर्यो यमिच्छेत्तमावसेत् ।  
compare मनु 3. 2; वसिष्ठ 13. 61 'तृणभूम्यग्न्युदकवाक्सूतानसूयाः सतां शुक्रे  
नोच्छिद्यन्ते कदाचन ।'; compare मनु 3. 101; वसिष्ठ 16. 30 'स्त्रीणां साक्ष्यं  
स्त्रियः कुर्याद् द्विजानां सदृशा द्विजाः । शूद्राणां सन्तः शूद्राश्चाग्न्यानामग्न्ययोनयः  
compare with मनु 8. 68 'स्त्रीणां साक्ष्यं स्त्रियः कुर्युर्द्विजानां सदृशा द्विजाः । शूद्राश्च  
सन्तः शूद्राणामग्न्यानामग्न्ययोनयः ॥'.

and Viṣṇu Dh. S. 90. 10 (in prose) is nearly the same as Vas. 28. 18-19. Besides Vas. 28. 11 occurs in Baud. Dh. S. IV. 3. 7. Hence it is hardly proper for any scholar to make the dogmatic assertion that one particular *smṛti* must have borrowed from any other. The rather very corrupt passage in Vasiṣṭha (16. 21-23<sup>108</sup>) very closely resembles a passage of Sāṅkha, which is cited by Viśvarūpa on Yāj. I. 305 and by the Kṛtya-kalpataru.

Bühler is of opinion that the home of the school to which the Vas. Dh. S. belonged lay to the north of the Narmadā and the Vindhya (S. B. E. vol. XIV p. XVI). When it is extremely problematical whether the Vas. Dh. S. was the product of a school, it is idle to speculate as to the home of the Vas. Dh. S. Bühler's is no more than a mere conjecture and it is better to admit that we know nothing positive at present on the point.

The earliest work to refer to Vasiṣṭha as an authority on *dharma* is our Manu (8. 140), saying that Vas. allowed 1/80th of the principal as interest per month. This appears to refer to the rule in Vas. 2. 50. We saw above that Vas. borrows from the Manusmṛti, which in its turn quotes a rule of Vasiṣṭha. The explanation of this is twofold. Both the Manusmṛti and Vas. have received later additions and further it is possible that the present Vas. Dh. S. is the work of some one who had received the teachings of Vas. through a succession of teachers and disciples. Yāj. mentions (1.4) Vasiṣṭha as a writer on *dharma*. The Tantravārtika as seen above (note 55) remarks that the Vas. Dh. S. was studied by Ṛgvedins. The same work when speaking of works on *dharma* puts Manu, Gautama and Vasiṣṭha in the forefront.<sup>108a</sup> It appears that Śābara on P. M. S. VI. 1. 10 quotes or summarizes Vas. I.32 and 36 when he says 'Vikrayospi śrūyate, śatamadhiratham duhitṛmate dadyāt, ārṣe gomithunam-iti'. Vasiṣṭha I.32 and 36 are 'gomithunena cārṣaḥ tasmād-duhitṛmateśdhiratham śatam deyam-ittha krayo vijñāyate.'

108 The printed Vas. reads 'वेधसो वा राजा श्रेयान् गृध्रपरिवारं स्यात् । गृध्रपरिवारं वा राजा श्रेयान् । गृध्रपरिवारं स्यान्न गृध्रो गृध्रोपरिवारं स्यात्'. This hardly makes any sense. The कृत्यकल्पतरु presents a good reading (from शाङ्खलिखित) 'न गृध्रपरिवारः स्यात् । कामं गृध्रो राजा श्रेयान् हंसपरिवारः । परिवाराज्जि दोषाः प्रादुर्भवन्ति । तेऽलं विनाशाय ।' राजधर्मकाण्ड p. 30; विश्वरूप on (Yāj. I. 305) quotes Sāṅkha as 'न हंसो गृध्रपरिवारः कामं तु गृध्रो हंसपरिवारः स्यात् ।'

108 a 'प्रायेण मनुगौतमवसिष्ठादिप्रणीताः समानेष्वर्येषु धर्मसंहिता वर्तन्ते । तेनैकविध्यमस्मिन् एव श्रुतयः स्वरूपानाः । न च व्याकरणस्य ताभिः समानार्थत्वम् ।' सत्यवार्तिक on जैमिनि I. 3. 24.



The words 'tasmād...deyam' do occur in Āp. Dh. S. II. 6. 13. 11 but not in the definitions of the forms of marriage as in Vas. The words 'adhiratham śatam duhitṛmate' occur in Sān. Gr. I. 14. 16 and Kauṣī. Gr. I. 8. 36, but not in connection with any form of marriage (both do not enumerate the forms of marriage). Viśvarūpa, Medhātithi and other early commentators largely quote from Vas. The verse 'agnerapatyam' (Vas. 28.16) occurs in the Ragin copperplate of Tivaradeva of the last quarter of the 8th century (Fleet's Gupta Inscription No. 81.). Therefore the existence of a work of Vasiṣṭha on dharma at least in the first centuries of the Christian era is vouched for with certainty and the authenticity of its text is supported by eminent writers from the 7th century downwards. Aparārka quotes passages from the Bhaviṣyapurāṇa which have in view the present text of Vas.<sup>109</sup> Some of the views held by Vasiṣṭha are very ancient. For example, he speaks of the twelve secondary sons, assigns a very inferior position to the Dattaka son (17th chapter), allows *nīyoga* (17. 56 ff) and the remarriage of child widows (17. 74). Like Āpastamba he mentions only six forms of marriage (1. 28-29), *brāhma*, *daiva*, *ārṣa*, *gāndharva*, *kṣātra* and *mūnuṣa*. In some respects his views are different from those of early writers like Gautama and Baudhāyana. He prohibits the marriage of a Brāhmaṇa with a śūdra woman (I. 25-26). Vide Baud. Dh. S. I. 8. 2 for the contrary view. He elaborates rules of adoption (15th chapter) which are not found in Gaut. or Baud. or Āpastamba. He speaks of documents as one of the three means of proof (Vas. 16. 10-15), while Gautama, Āpastamba and Baudhāyana are silent on the point, though in Gautama (13. 4) there appears to be a reference to documents. Taking all these things into consideration it may be said that Vasiṣṭha is later than Gautama, Āpastamba and Baudhāyana, but much earlier than the beginnings of the Christian era and may tentatively be assigned to the period between 300-100 B. C. It has been asserted by an eminent authority (Cambridge History of India vol. I, p. 249) that Vasiṣṭha 18. 4 (*vaiśyena brāhmanyām-utpanno Rāmako bhavatītyāhuḥ*) probably contains a reference to the Romans. This assumption is gratuitous and does not deserve serious consideration. The reading Romaka (on which the learned writer relies) is not supported by the best mss. and it is most hazardous to seize with

109 'वसिष्ठेन समाख्यातं ब्रह्महत्याभ्यपोहनम् । द्वादशरात्रमभक्षो द्वादशरात्रमुपवसेत् ।' अपरार्क p. 1067 (this is वसिष्ठ 23. 38); 'वसिष्ठेन तथोक्तं वै प्रायश्चित्तं सुराधिपः । कामतो मद्यपाने तु न सुरायाः कदाचन ।' अपरार्क p. 1075 (this is वसिष्ठ 28. 19).  
Bhandarkar

avidity on a variant reading and to build an imposing structure of chronology thereon. The offspring of a Vaiśya male from a Brāhmaṇa woman is designated Rāmaka by Vasiṣṭha, while Gautama calls him Kṛta (4. 15) and Baud. Dh. S. (I. 9. 7) calls such an offspring Vaidehaka; so Rāmaka has as much to do with the Romans as with Rameses. In the *nibandhas* there are several quotations ascribed to Vasiṣṭha which are not found in the printed Dharmaśāstra. For example, Haradatta on Gaut. (22. 18) quotes a verse in the Upajāti metre which is not found in the present text <sup>110</sup>

The author of the extant Vas. Dh. S. appears to have been eclectic. His sūtra contains dozens of verses that occur in the extant Manusmṛti. Similarly, many of the verses quoted by him in the words 'athāpyudāharanti' or the word 'udāharanti' occur also in the Āp. Dh. S. and more often in Baudh. Dh. S., which latter just like Vas. employs the words 'athāpyudāharanti' over forty times. Towards the end of the present text (edition of Vas., chap. 30. 9-10) occurs the verse 'yā dustyajā' &c., which is found in Vanaparva 2. 36, Śānti-parva 174, 55 and 276. 12 and Anuśāsana 7. 21. The last sūtra (of Vasiṣṭha Dh. S.) contains an obeisance to Vasiṣṭha who is described as the son of Mitrāvaruṇa from Urvaśi and as Śatayātu (who possessed hundred magic spells or against whom a hundred magic spells were employed). Rg. VII. 33. 11 refers to the birth of Vasiṣṭha from Urvaśi and calls him Maitrāvaruṇa and in Rg. VII. 18. 21 we have the half verse 'Pra ye grhādama-madus-tvāyā Parāśaraḥ Śatayātur-Vasiṣṭhaḥ'. Sāyaṇa takes 'Śatayātuḥ' as meant for Śakti, son of Vasiṣṭha.

If we rely on the number of verses common to Manu and Vasiṣṭha or on references to 'Mānavam' (Vas. IV. 5.) or 'Mānava-śloka' 13. 16, 20. 18 or simply 'Manu' (Vas. I. 17, IV. 6, XI. 23, XII. 16) and also consider the very large number of verses and passages common to the Manusmṛti, Vas., Baud. and Āp. Dh., it would have to be held that the extant Vas. Dh. S. is a re-hash of the Āp. Dh. S., Baud. Dh. S. and Manu (as it existed before it was remodelled about the beginning of the Christian era or a century or two earlier).

110 The verse is : न नालिकेरेण न शाण्वालेन चापि मौजेन न वधश्शङ्खलेः न निबन्धनीया बद्धानुतिष्ठेत् परं प्रयुज्य ॥ The same verse is quoted in the  
मिताक्षरा (on याज्ञ. III. 264) without the author's name and is read as  
बद्धा तु.





It would not be irrelevant, if most of the passages from Vasiṣṭha that are based on or refer to Vedic works are referred to here and examined. First, as to the Rgvedic Literature. Vas. IV. 2 mentions Puruṣasūkta (Rg. X. 90), Vas. 17. 3-4 quote portions of Rg. I. 21. 5 and Rg. V. 4. 10 (last pāda, Vas. 17. 16. (praticnam gacchati putratvam) refers to Rg. I. 124. 7 and Nirukta 3. 5; Vas. 15. 20 refers to making a person bathe with water from a holy lake or stream with the Vedic verses beginning with 'Āpo hi sthā' (Rg. X. 9. 1 ff); Vas. 17. 1-2 quote from Ait. Br. (adhyāya 33. 1) and Vas. 17. 31-35 refer to the story of Sunahṣepa (in Ait. Br. 33. 2-6). As to the Tai. S., Vas. 5. 8 quotes a long passage from Tai. S. II. 5. 1. 1-6 (the transfer of Indra's sin of killing Tvāṣṭra Viśvarūpa to women); Vas. 11. 48 quotes Tai. S. VI. 3. 10. 5 (for the theory of three inherited obligations of brāhmaṇas which is also mentioned in Śatapatha Br.) ; Vas. I. 37 quotes Mai. S. I. 10. 11 ('anṛtam vā eṣā karoti yā patyuh kritā satyathānyais-carati' &c) which also occurs in Kāthaka Samhitā, Sthanaka 36. 5. The Kāthaka is mentioned by name twice by Vas. (in 12. 24 and 30. 5) and the Vājasaneyaka (meaning Śat. Br.) is mentioned thrice (Vas. 12. 31, 14. 46 and 23. 13);<sup>110a</sup> Vas. 2. 34 quotes Vāj. Samhitā (XII. 71); Vas. 18. 17 quotes the words 'nāgnim citvā rāmām upeyāt' from the Kāthaka and in 18. 18 explains the meaning of Rāmā, which appears to be taken from the Nirukta XII. 13. Among the Brāhmaṇa works the Śatapatha Br. is the one that is often quoted; Vas. I. 45 quotes Śat. Br. V. 4. 2. 3 ('brāhmaṇo vedam-ādhyam' &c), Vas. 14. 46 refers to Śat. Br. III. 1. 2. 21; Vas. 19. 4 (vijñāyate brahmapurohitam rāṣṭram-ṛdhnotiti), which is similar to Gaut. Dh. S. XI. 13-14 and is based on Śat. Br. V. 4. 4. 5; Vas. 30. 3 'Agnir-vai brahmana iti śruteḥ' (this is Śat. Br. I. 4. 2. 2); Vas. 23. 23 mentions the *mantra* beginning with 'Agniśca mā manyuśca' from Tai. Ār. X. 24. 1; Vas. XI. 13 quotes Kathopaniṣad I. 7 ('Vaiśvānaraḥ praviśatyatithir-brāhmaṇo grhān').

I might have omitted through oversight a few vedic passages. But those examined above show that passages from the Samhitās and Brāhmaṇas of Vedas other than the Rgveda

110a भार्यया सह नाश्रीयादवीर्यवदपर्यं भवतीति वाजसनेयके विज्ञायते॥ वसिष्ठ 12.31.3  
this is शतपथ X.5.2.9; भर्त्यौ तु धेन्वनहुहौ मेधयौ वाजसनेयके विज्ञायते॥ वसिष्ठ  
14.16. This refers to शतपथ and compare Āp. Dh. S. I.5.17. 30-31 and  
शतपथ 'तस्माद्धेन्वनहुहोर्नाशनीयात्तदु होवाच याज्ञवल्क्योऽश्नाम्येवाहमंसलं चेद्धवसीति॥

and its Brāhmaṇas outnumber those from the Ṛgveda and its Brāhmaṇas. Then the question naturally arises, why was it adopted by Ṛgvedins as their Dharmasūtra (as stated by Kumārila). The answer is obvious. Vasiṣṭha is mentioned by name in the Dharmasūtra several times (vide above). The sūtra does rely on the Ṛgveda and its Brāhmaṇa in a few passages. Vasiṣṭha's is the greatest and most famous name among the ancient sages of the Ṛgveda. The whole of the 7th maṇḍala contains 104 sūktas out of 1028 in the whole of the Ṛgveda, is ascribed to Vasiṣṭha (Maitrāvaruṇi). Maṇḍalas I, IX and X have more sūktas than maṇḍala VII, but every one of the three maṇḍalas is held to have been composed by several sages (and not by one for each of them). One aspect of the Vasiṣṭha Dh. S. viz. that different mss. of it state that it ends with different adhyāyas is very significant. If it had been from the beginning a sūtra of the Ṛgveda, then its text would have been at least as well preserved as the text of such gr̥hya or dharma sūtras, as those of Āśvalāyana and Āpastamba. Besides, there is one remarkable circumstance. The Āśv. gr̥. (II. 6) which is affiliated to the Ṛg. names and briefly defines eight forms of marriage viz. Brāhma, Daiva, Prājāpatya, Ārṣa, Gāndharva, Āsura, Paiśāca and Rākṣasa. The Śāṅkhāyana-gr̥hya (I. 12-14) only describes the religious part of the marriage ceremony and altogether omits the mention of eight forms of marriage and their definitions. So does the Kauṣītaka-gr̥hya (I. 8). The Gaut. Dh. S. IV. 4-11, Baud. Dh. S. I. 11. 1-9, Manu III 21 and 27-34, Kauṭilya III. 2. 1-9 name and define the same eight forms of marriage, as Āśv. Gr̥. does. But Vasiṣṭha (I. 28-36) mentions and defines only six forms of marriage viz. Brāhma, Daiva, Ārṣa, Gāndharva, kṣātra and Mānuṣa. In this he seems to follow Āp. Dh. S. II. 5. 11, 17-20-II. 5. 12. 1-2). If Vas. Dh. S. had been from the first affiliated to the Ṛgveda it should have either treated the subject in the same way as Āśvalāyana or followed the Āśv. gr̥. and enumerated eight forms or should have been silent about the several forms of marriage (as Śāṅk. and Kauṣ. gr̥. are). This circumstance very much strengthens the theory that Vas. Dh. S. is eclectic and therefore followed Āp. Dh. S. in the number of forms of marriage. There is a further circumstance. Vas. Dh. S. differs from Āśv. Gr̥. not only in the number of the forms of marriage but also in the nomenclature. His Kṣātra is the same as Rākṣasa and his Mānuṣa is the same as Āsura. These two terms were probably borrowed by Vasiṣṭha from



**Hārīta-Dharmasūtra** (vide **Vīramitrodaya**, **Saṁskāra prakāśa**, p. 84 ). As **Manu** says (III. 34 ), the **Paiśāca** form ( in which a man has sexual intercourse secretly while the woman is asleep or intoxicated or unconscious, is the worst and most sinful form. **Vasiṣṭha** omitted it and **Prājāpatya** was probably going out of vogue. Therefore, these two were omitted by **Vasiṣṭha**. The **Āsura** and the **Rākṣasa** are declared by **Baud. Dh. S. I 11. 12** to be in accordance with the characterstic conduct of **Kṣatriyas** viz. they rely principally on force either of wealth or of arms ( 'atrāpi saṣṭhasaptamau Kṣātra-dharmānugatau tat-pratyayatvāt-kṣatrasya ). Therefore, the **Rākṣasa** form which consists mainly of carrying away a girl by force ( **Manu 3. 33 prasahya kanyā-haraṇam** ) is called **kṣātra** by **Vas. Vasiṣṭha** might have been moved by such sentiments as are expressed by **Dēvapāla** on **Kāṭhaka-gr̥hya XV** 'prasahyāpahārād-rākṣaso vivāhaḥ, tatra kim prakārābhidhānena, evamasamvijnātōpagamāt Paisacopi prakāravacanam nārhati pāpatvāt'. **Manu** ( in 8. 165, 168 declares that all transactions brought about by force or fraud should be held invalid ( *akṛta* ). There are also other points on which **Vas.** differs from all three **gr̥hyasūtras** of the **R̥gveda** or from **Śān. Gr.** and **Kauṣ. Gr.** On even such a simple matter as the age of a **Brāhmaṇa** boy at **Upanayana**, **Vas.** differs from all three. They all agree that the **Upanayana** of a **Brāhmaṇa** boy may be performed from the 8th year to the 16th ( **Vas. XI. 49** and **71**, **Āśv. Gr. I. 19. 1-2** and **5**, **Śān. Gr. II. I. 1, 3** and **6**, **Kauṣ. Gr. II. 1. 2, 5** ), they differ on the most commendable year for it. **Vas. (XI. 49)** commends the eighth year from conception, **Āśv.** the eighth year from birth or conception ( **I. 19. 1, 2** ), **Śān. Gr. (II. 1. 1** and **3)** commends either the 8th year or 10th year from conception and the **Kauṣ. Gr. does the same**. So far as I know no other **Gr.** or **Dh. S.** gives an option between the 8th or 10th year as the most commendable year for **Upanayana**. **Gaut. (I. 6, 8)**, **Āp. Dh. (I. 1. 19)**, **Baud. Dh. (I. 2. 8)**, **Manu (II. 36)** prescribe as most favoured the 8th year from conception. It follows that **Vas.** did not agree with any of the three schools of **R̥gvedins**, viz. **Āśvalāyana**, **Śāṅkhāyana** and **Kauṣītaka** and struck an independent course and his work on **Dharma** was later on affiliated to the **R̥gveda**, when it became a fashion to have a complete set of **Kalpasūtras** ( in three parts for each **Veda** or its recensions.

The above mentioned parallelisms and quotations and their extent are more than enough to lead to the conclusion that



Vasiṣṭha's Dh. S. was originally an eclectic work of an independent character and that it did not at first attach itself to the R̥gveda.

Dr. Ram Gopal in his work (on pp. 59-60) does not agree with my conclusion and, though he has to admit (p. 59) that Vasiṣṭha Dh. S. is not known to have formed part of a R̥gvedic Kalpa, he holds (p. 60) on the ground of close agreement of Vas. with the three gr̥hyasūtras of Śāṅ., Āśv. and Kauṣ. on the topics of *upanayana*, *anadhyāya*, *snātaka* and five *Mahāyajñas* that Vasiṣṭha's work was from the first affiliated to the R̥gveda. In support of his theory he draws attention on p. 67 (note 31) to twelve passages from Śāṅk. Gr., five from Āśv. Gr. and five from Kauṣ. Gr. (in all 22). I do not want to enter upon a lengthy discussion. If about 75 passages quoted from Manu and numerous passages quoted with 'udāharanti,' the presence of chapters on adoption, vyavahāra, inheritance, partition, rājadharmā and prāyaścittas, which are not shown to have been included in a Vedic Kalpa of the R̥gveda do not induce a writer to admit the independent origin of Vas. there is no use in arguing with him. It is, however, necessary to show clearly what value should be attached to his arguments. His contention briefly put is that the 22 passages he cites from Śāṅ. Āśv. and Kauṣ. gr̥hya very closely agree with Vas. Dh. passages and therefore Vas. must be held to be affiliated to the R̥gveda from the beginning. He cites Vas. IV. 6 as equal to Śāṅ. G. S. II. 16. 1 (viz. the verse 'madhuparke ca etc.). But this verse is Manu V. 41 and both Vas. and Śāṅ. might have borrowed it from Manu (and what is most important Manu's name occurs in the verse itself). Dr. Ram Gopal cites Vas. VI. 21 (āhitāgniranadvāṁśca &c) as equal to Śāṅ. II. 16. 5. Therefore he concludes that Vas. is indebted to Śāṅ. It is very fine research indeed. There are two verses 'Aṣṭau grāsā' &c. and 'āhitāgniranadvāṁśca &c' in Vas. VI. 20-21. Both of these are cited in Baud. Dh. S. II. 7. 22-23 and Āp. Dh. S. II. 4. 9. 13 (in both those verses occur with the caption 'athāpyudāharanti'). It is noteworthy that the Kalpataru (Brahmacārikāṇḍa p. 124) cites 'aparimitam brahmacāriṇaḥ' (part of the verse 'aṣṭau grāsā') and the verse 'anadvān brahmacārī ca āhitāgnīśca &c' as from Vasiṣṭha, Āpastamba, Hārīta and Yama. Śāṅ. Gr. II. 16 cites only one of these two verses and that too in a modified form (as 'Anadvān agnihotram ca' (this is a bad reading and the verse becomes ungrammatical). Therefore, this proves that Śāṅ. gr̥hya borrows

one of two ancient verses quoted by both Āp. and Baud. and Vas. borrows both. Śān. Gr. II. 16 has six verses, of which the first ('madhuparke' &c) is Manu V. 41 (reads 'yajñe' for 'some'). The 3rd verse (Naikagrāmina &c) is Manu III. 103 (the 4th *pāda* in Śān. is different which is rather obscure in Manu). Śān. Gr. II. 16. 5 has been dealt with above.<sup>110b</sup> Upākarma is a very common rite even up to this day. So the provisions in the texts on this rite agree. Dr. Ram Gopal cites Vas. 13. 5 as agreeing with Śān. Gr. IV. 6. 7-8. There is not much verbal agreement between the two as the note will show<sup>110c</sup> but there is at least as much or more verbal agreement with Gaut. and Manu. A thorough examination of all the twenty-two equations in Dr. Ram Gopal's work (p. 67) would cover about a dozen pages. The domestic rites and their subsidiary matters being common to dvijas, there is a good deal of uniformity as well as some difference in details in the sūtras connected with different Vedic Śākhās. For example, compare Baud. Dh. S. I. 2. 14-16 with Āp. Dh. S. I. 2. 33-38, also with Gaut. I. 15-23. Mere agreement of a few sūtras with others on simple and common matters relating to Upanayana, Anadhyāya and the like hardly proves anything about their affiliation with any particular Veda or Vedic *carana*. I regret to say that Dr. Ram's remarks on the passages of Vas. and the three Gr. sūtras attached to the R̥gveda are misleading and also incapable of proving his thesis.

So early a writer as Viśvarūpa cites (on Yāj. I. 19) the views of a writer called Vṛddha-Vasiṣṭha. The Mit. on Yāj. (II. 91) quotes the definition of a *jayapatra* (judgment) from Vṛddha-Vasiṣṭha and on III. 20 quotes him about impurity on miscarriage. On Yāj. III. 310 the Mit. quotes Vasiṣṭha 27. 4 and then in the very next verse quotes a long passage from Vṛddhavasīṣṭha in prose and verse setting forth an expiation. The same passage occurs also in Aparārka on the same verse. Aparārka quotes in all 18 verses (two of which define the form and contents of a *Jayapatra* of a court of justice) and one

110b The editor of Śān. Gr. Dr. S. R. Sehgal has not identified the two verses in Śān. Gr. II. 16.3 and 5, though he has identified the first

110c अर्धपञ्चमागमासान् अर्धषष्ठान् वा । वसिष्ठ 13.5; छन्दांसि विश्रामयान् पञ्चमागमासान् । अर्धषष्ठान् वा । सां. गृ. IV.6.7-8; अर्धपञ्चमान् मासान् पञ्च दक्षिणाग्रान् वा । गौ. XVI.2; श्रावण्यां प्रौष्ठपद्यां वाप्युपाकृत्य यथाविधि । युक्तश्च दक्षिणाग्रोऽपि मासान् विप्रोऽर्धपञ्चमान् ॥ मनु IV.95.



prose passage. The Kalpataru profusely quotes Vasiṣṭha in Gr̥hasthakāṇḍa (41 times), in Vyavahārakāṇḍa (37 times) and Brahmacārikāṇḍa (15 times), yet never quotes Vṛddha Vasiṣṭha in these three. In Dānakāṇḍa (p. 189) it quotes two verses on 'gocarma' and the reward of gifts of land of the extent of gocarma from Vṛddhavasīṣṭha<sup>110d</sup>. The Smṛticandrika quotes about 20 verses from Vṛddha-Vasiṣṭha on āhnikā and śrāddha; Bhaṭṭoji in his gloss on the Caturviṃśatimata (p. 12) seems to quote a prose passage from Vṛddha-Vasiṣṭha. From the above it follows that Vṛddha-Vasiṣṭha was an early compilation and dealt with almost all such topics (including Vyavahāra) as are dealt with by Yāj. The Mit. also quotes on Yāj. III 287 a Bṛhad-Vasiṣṭha. The Smṛticandrikā (III. p. 300) quotes a few verses from a Jyotir-Vasiṣṭha. The I. O. catalogue (No. 1339 p. 392) speaks of a Vasiṣṭha-smṛti in ten *athyāyas* about the religious observances and duties enjoined on devotees of Viṣṇu.

That Yajñasvāmin wrote a commentary on the Vas. Dh. S. follows from Govindasvāmin's comment on Baud. Dh. S. (II. 2. 51), where he quotes Vas. 21. 13 and Yajñasvāmin's comment thereon.

## 10. Viṣṇudharmasūtra.

The Viṣṇudharmasūtra has been printed several times in India, viz. by Jivananda in his Dharmaśāstrasaṅgraha (1876 part I pp. 70-176) by the Bengal Asiatic Society (1881, ed. by Dr. Jolly with extracts from the commentary Vaijayantī), by M. N. Dutt (Dharmaśāstra texts, vol. II pp. 541-666, Calcutta, 1909) and translated by Dr. Jolly (in the S. B. E. vol. VII with an Introduction). In the present work Dr. Jolly's edition has been used. The sūtra contains one hundred chapters. Though the number of chapters is so large, the sūtra is not very extensive. There are several chapters such as 40, 42 and 76 that contain only one sūtra and one verse. The first chapter and the last two are entirely in verse; the remaining chapters are in mixed prose and verse, the versified portion being generally at the end of each chapter. As pointed out by the Vaijayantī the sūtra is in close relation to one of the oldest schools of the Yajurveda, viz. Kāṭha. It also stands in a peculiar relation to the extant Manusmṛti. According to the Caranavyūha, Kāṭha and

110d They are: यत्किञ्चित्कुरुते पापं जन्मपभृति मानवः । अपि गोचर्ममात्रेण मुक्तिर्भवति नश्यति ॥ गवां जतं वृषश्चैको यत्र तिष्ठेद्यग्नित्रः । तद्वै गोचर्ममात्रं तु प्राहुर्वेदविदो जनाः । अपरार्क p. 1225.





*Ārāyaṇīya* are two of the twelve sub-divisions of *Caraka-sākhā* of the Yajurveda. Dr. Jolly ( S. B. E. VII, p. XII ) says that the *Viṣṇudharmasūtra* has four chapters ( 21, 67, 73 and 86 ) and that both drew from a common source. Bühler points out ( West and Bühler's digest, 3rd ed. p. 35 ) that the *Kāthakagrhya* found in Kashmir agrees closely with the *Dharmasūtra* of Viṣṇu and the *mantras* in the latter agree with the *Kāthaka* recension of the Yajurveda. But the *Viṣṇudharmasūtra* is not the work of the same author that composed the *Kāthaka Śrauta* or *Grhya sūtras*, nor does it appear that it formed part of the *Kāthaka Kalpa*. Dr. Jolly ( R. u. S. p. 7 ) says that Govindarājā ( 12th century ) in his *Smṛti-mañjarī* cites a passage in prose from a *Kāthasūtrakṛt* on the penance for *Brāhmaṇa* murder which is wanting in our *Viṣṇusmṛti* ( vide S. B. E. Vol. 25, p. xxi n for the passage ).

The contents of the *Viṣṇu-dharma-sūtra* are :- The earth, being lifted out of the surging ocean by the great Boar, went to *Kaśyapa* to inquire as to who would support her thereafter, and was sent by him to *Viṣṇu* who told her that those who would follow the duties of *varṇas* and *āśramas* would be her support, whereupon the earth pressed the great God to impart to her their duties ; 2. the four *varṇas* and their *dharmas* ; 3. the duties of kings ( *rājadharmāḥ* ) ; 4. the *Kārsāpāṇa* and smaller measures ; 5. punishments for various offences ; 6. debtors and creditors, rates of interest, sureties ; 7. three kinds of documents ; 8. witnesses ; 9. general rules about ordeals ; 10-14. ordeals of balance, fire, water, poison and holy water ( *kośa* ) ; 15. the twelve kinds of sons, exclusion from inheritance ; eulogy of sons ; 16. offspring of mixed marriages, and mixed castes ; 17. partition, joint family and rules of inheritance to one dying sonless, re-union, *strīdhana* ; 18. partition among sons of a man from wives of different castes ; 19, carrying the dead body for cremation, impurity on death, praise of *Brāhmaṇas* ; 20. the duration of the four *Yugas*, *Manvantara*, *Kalpa*, *Mahākalpa*, passages inculcating that one should not grieve too much for the departed ; 21. the rites for the dead after period of mourning, monthly *śrāddha*, *sapīṇḍikaraṇa* ; 22. periods of impurity on death for *sapīṇḍas*, rules of conduct in mourning, impurity on birth and rules about impurity on touching various persons and objects ; 23. purification of one's body and of various substances ; 24. marriage, forms of marriage, inter-marriages



guardians for marriage; 25. the *dharma*s of women; 26. precedence among wives of different castes; 27. the *saṁskāras*, *garbhādhāna* and others; 28. the rules for *brahmacārins*; 29. eulogy of *ācārya*; 30. time for the starting of Vedic study and holidays; 31. father, mother and *ācārya* deserve the highest reverence; 32. other persons deserving of respect; 33. the three sources of sin, viz. passion, anger, greed; 34. kinds of *atipātakas*, deadliest sins; 35. five *mahāpātakas*; 36. *anu-pātakas*, that are as deadly as the *mahāpātakas*; 37. numerous *upapātakas*; 38-42. other lesser sins; 43. the twenty-one hells and the duration of hell torments for various sinners; 44. the various low births to which sinners are consigned for various sins; 45. the various diseases suffered by sinners and the low pursuits they have to follow by way of retribution; 46-48. various kinds of *kṛcchras* (penances), *sāntapana*, *cāndrāyana*, *prasṛtiyāvaka*; 49. actions prescribed for a devotee of *Vāsudeva* and the rewards thereof; 50. *prāyaścitta* for killing a *brāhmaṇa* and other human beings, for killing cows and other animals; 51-53. *prāyaścittas* for drinking wine and other forbidden substances, for theft of gold and other articles, for incest and sexual intercourse of other kinds; 54. *prāyaścittas* for miscellaneous acts; 55. secret penances; 56. holy hymns like *Aghamarṣana* that purge sin; 57. whose society should be avoided, *Vrātyas*, unrepentant sinners, avoiding gifts; 58. the pure, variegated (mixed) and dark kinds of wealth; 59. The duties of house-holders, *pākayajñas*, the five daily *mahāyajñas*, honouring guests; 60. the daily conduct of a householder and good breeding; 61-62. rules about brushing the teeth, *ācamana*; 63. means of livelihood for a house-holder, rules for guidance, good and evil omens on starting on journey, rule of the road; 64. bathing and *tarpana* of gods and Manes; 65-67. worship of *Vāsudeva*; flowers and other materials of worship, offering of food to deities and *pinḍas* to ancestors and giving food to guests; 68. rules about time and manner of taking food; 69-70. sexual intercourse with wife and about sleep; 71. general rules of conduct for a *snātaka*; 72. value of self-restraint; 73-86. *śrāddhas*, the procedure of *śrāddhas*, *aṣṭakā śrāddha*, the ancestors to whom *śrāddha* is to be offered, times of *śrāddha*, fruits of *śrāddha* on the several week days and the 27 *nakṣatras* and the *tithis*, materials for *śrāddha*, *brāhmaṇas* unfit to be invited at *śrāddha*, *brāhmaṇas* who are *pañktipāvana*; countries unfit for *śrāddha*, *tīrthas*, letting loose of a bull; 87-88. gifts of

antelope skin, or a cow; 89. kārtika-snāna; 90 eulogy of gifts of various sorts; 91-93. works of public utility such as wells, lakes, planting gardens, embankments, gifts of food, flowers &c.; difference in merit according to the recipient; 94-95 rules about forest hermit (vānaprastha); 96-97. about *sannyāsa*, anatomy of the bones, muscles, veins, arteries &c.; concentration in various ways; 98-99. praise of Vāsudeva by the Earth and of Lakṣmī; 100. rewards of studying this Dharmaśāstra.

The Viṣṇudharma-sūtra somewhat resembles the Dharma-sūtra of Vasiṣṭha. Like the latter it is full of verses. But one feature which is peculiar to the Viṣṇu-dharmasūtra is that it professes to be a revelation by the Supreme Being. None of the other dharmasūtras so far described assumes this role. The style of the Viṣṇudharmasūtra is easy and somewhat diffuse. It presents hardly any ungrammatical forms. The printed text is corrupt only in a few cases; the verses occur generally at the end of chapters. Sometimes the number of verses in a chapter is very large e. g., in chapter 20 there are 21 sūtras and 32 verses, in chapter 23 there are 24 verses, in chap. 43 there are 14, in chap. 51 there are 20 verses. Some of the verses are in the classical *Indravajrā* (19. 23-24) and the *Upajāti* metres (23.61 and 59. 30) and a few are *Trīṣṭubhs* (29. 9-10, 30. 47, 72. 77). The three *Trīṣṭubhs* (29. 9-10, 30. 41) are three out of four verses of the *Vidyā-sūkta* occurring in the *Nirukta* (II. 4). Chap. 72.77 is *Bhagavadgītā* II. 70. Chapters 1, 99, 100 are entirely in verse. Chap. 98 contains praise of Vāsudeva by the Earth in about 91 names, some of which like *Lekhya*, *Sapta*, *Kapila*, *Sāṅkhyācārya* are rather surprising. The revelation by God Viṣṇu is contained in 96 chapters (2 to 97). The names of Viṣṇu are only 94 but 98.6 (om *namas-te*) and 98.101 (*namo nama iti*) are added to 94 and thus the names of Viṣṇu are squared up with 96 chapters. The word *atha* does not occur at the beginning of the first two chapters and in Dr. Jolly's edition at the beginning of some other chapters also (viz. 4, 16-20, 22-23, 26-27, 29-32 &c.). The chapters vary greatly in extent. In Chap. 34, 39 and 40 there is only one sūtra followed by one verse. There are other chapters also that are short, that is they have three or four sūtras and a verse viz. 41, 84, 88, 89, while some chapters occupy more

than three printed pages such as 3, 20, 22, 23, 51, 54, 96. Chap. 5th is the longest, containing 178 sūtras and 14 verses at the end. Here and there Viṣṇu Dh. S. gives etymologies such as of the word *putra* in 15. 44 ( = Manu 9. 138 ), of *Māmsa* ( in 51.78 = Manu V.55 ), of *puruṣa* ( from *puri śete* ) in 97.15, which is also given in Br. Up. II. 4.18 and Nir. I. 13 ). At the end of Chap. 78 there are two gāthās ( 52-53 ) sung by pitṛs which are quoted by Kullūka on Manu III. 274 as Viṣṇu's and which are similar to Manu III. 273-74 and Vāyu-purāṇa 82.11 and Matsya-purāṇa 204.5 ( *matsya* Chap. 204 has Gāthās 3-17 sung by the pitṛs, 10 of which begin with ' *api syāt sa kuleśsmakam* etc. ). Vide *Anuśāsana-parva* 88. 12-17 ( Ch. ed. ). There is one verse ( 72.6 ) which has eleven letters in the first *pāda* and twelve in the remaining three.

In determining the age of the Viṣṇudharmasūtra one is confronted with a difficult problem. Some of the chapters undoubtedly contain material which is comparatively old and on a level with the ancient Dharmasūtras of Gautama and Āpastamba. Such are the chapters about *rājadharma* and punishments ( 3 and 5 ), the rules about twelve sons and the mixed castes ( 15-16 ), funeral rites and mourning ( 21 and 22 ). But there are very large portions of the work that bear a clear impress of a later date. The Viṣṇudharmasūtra and the Manusmṛti have at least 160 identical verses. But this is not all. There are hundreds of sūtras which are merely the prose equivalents of verses from the Manusmṛti. For example, Viṣṇu 2.3 and Manu 2.16, Viṣṇu 3.4 and 6 and Manu 7. 69 70, Viṣṇu 3. 7-10 and Manu 7. 115, Viṣṇu 3. 11-15 and Manu 7. 116-117, Viṣṇu 4. 1-13 and Manu 8. 132-137, Viṣṇu 5. 4-7, and Manu 9. 237, Viṣṇu 20. 1-21, and Manu I. 67-73, Viṣṇu 51. 7-10 and Manu 4. 209-212, Viṣṇu 59. 21-25 and Manu 3. 70, Viṣṇu 62. 224 and Manu 2. 59, Viṣṇu 71. 48-52 and Manu 4. 80, and Viṣṇu 96. 14-17 and Manu 6. 46 agree almost word for word. The verses that are identical in both are found in all the chapters of the Manusmṛti from the second to the last, the largest number ( about 47 ) occurring in the 5th and chapters eleven, two, and three respectively contributing 25, 24, and 19 verses. Therefore the question whether the extant Viṣṇudharmasūtra borrows from Manu or *vice versa* or whether both borrow from a common original assumes very great importance. As the cor-



respondence extends over several hundred verses of the *Manu-smṛti*, the last hypothesis of borrowing from a common original does not recommend itself to me. No such common source is known to have existed and to say that there were hundreds of floating popular verses whose authorship was unknown and which were drawn upon by both works appears to me to be an extremely gratuitous and unsatisfactory assumption. In my opinion it is the extant *Viṣṇudharmasūtra* that borrowed the verses *ad hoc* or adapted them from the *Manusmṛti*. There are several lines of reasoning that strengthen this hypothesis. There are some verses that are identical in both, in which the name of *Manu* occurs, which the *Viṣṇudharmasūtra* omits by making slight verbal changes. For example, *Viṣṇu* 23. 50 substitutes 'tat parikīrtitam' for 'Manur-abravīt' in *Manu* 5. 131; and *Viṣṇu* 51. 64 reads 'nānyatreṭi kathamcāna' for *Manu* 5. 41 'nānyatretyabravīn-Manuḥ' (this last occurs in *Vas.* 4. 6). The reason for these changes is obvious. The *Viṣṇu-dharmasūtra* professes to be a direct revelation from *Viṣṇu* and it is in keeping with this assumed role that not one human author is mentioned by name in the *sūtra*. Therefore where the name of *Manu* occurred in any verse, it was purposely omitted. Another reason why the *sūtra* must be presumed to be the borrower is the character of the extant work itself. It is a kind of hotchpotch and contains verses that are identical with those of other works. For example, several verses of the *Bhagavadgītā* occur in the *Viṣṇudharma-sūtra*. *Viṣṇu* 20. 48-49 and 51-52 are the same as *Gītā* 2. 13; 23, 24, 28; *Viṣṇu* 72. 7 and *Gītā* 2-70 are almost identical. *Viṣṇu* 96. 97 and the first half of 93 are the same as *Gītā* 13. 1-2, except that in keeping with its character of a revelation to the Earth, the *Viṣṇudharmasūtra* substitutes 'vasudhe' for 'kaunteya' and 'bhāvini' for 'bhārata.' Several verses of the *Yājñavalkya-smṛti* are identical with those of the *Viṣṇudharmasūtra*. For example, *Viṣṇu* 6. 41 and *Yāj.* 2. 53, *Viṣṇu* 8. 38 and *Yāj.* II. 79, *Viṣṇu* 9. 33 and *Yāj.* 2. 97, *Viṣṇu* 17. 17 and *Yāj.* 2. 138, *Viṣṇu* 17. 23 (first half) and *Yāj.* 2. 210 (latter half), *Viṣṇu* 62. 9 and *Yāj.* 1. 21, *Vi.* 63. 51 and *Yāj.* 1. 117 are identical. Besides these, there are hundreds of prose *sūtras* that are identical with passages of *Yājñavalkya*. For example, *Vi.* 3. 72-74 = *Yāj.* II. 1-4; *Vi.* 3. 82 = *Yāj.* 3. 318-320 (rules about land grants); *Vi.* 5. 65-69 = *Yāj.* 2. 217-220, *Vi.* 5. 73 = *Yāj.* II. 221; *Vi.* 45. 3-12 = *Yāj.* 3. 209-211 (about diseases suffered by sinners); *Vi.* 60. 24 = *Yāj.* 1. 117.

Vi. 96. 55-79 = Yāj. 3. 84-90 ( about 360 bones of the body ); Vi. 96. 80-88 = Yāj. 3. 100-102 ( about the number of arteries, veins, muscles etc. ); Vi. 96. 89-92 = Yāj. 3. 93-99. Dr. Jolly thinks that Yājñavalkya borrows from Viṣṇu the whole of the anatomical section ( vide S. B. E. vol. VII, p. XX ). With great respect I differ from this opinion. There is nothing to show that the anatomical details were first given to the world by Viṣṇu. They must have first been embodied in works on medicine such as those of Caraka and Suśruta<sup>111</sup> and were probably copied by Dharmasūtra writers. But, if there is any borrowing between Viṣṇu and Yājñavalkya, I think from the character of the Viṣṇudharmasūtra that it is the sūtra that must be regarded as borrowing from Yājñavalkya. There are several matters in the extant Viṣṇudharmasūtra which are wanting in Yājñavalkya and which induce one to place the extant sūtra later than Yājñavalkya, viz. the name 'Jaiva' for Thursday ( Vi. 78. 5 ), the long list of tīrthas ( Vi. chap. 85 ) which include Śrīparvata and the five rivers of the south called southern Pañcanada, the importance of the conjunction of the moon and Jupiter on a full moon day ( Vi. 49. 9-10 ), the vague definition of Āryāvarta<sup>112</sup> ( Vi. 84. 4 ). The verse in Viṣṇu 54. 33 ( about half prāyaścitta for boys and old men ) is ascribed to Aṅgiras by the Mitākṣarā ( on Yāj. III. 243 ).

Therefore, the most probable conclusion is that the extant Viṣṇudharmasūtra borrows from the Manusmṛti, Yājñavalkya and other authors. It would be too much to assume that the Manusmṛti, the Bhagavadgītā and Yājñavalkya borrow from such a comparatively unimportant work as the Viṣṇudharma-sūtra.

The above conclusion is further strengthened by certain other considerations. The Manusmṛti has been quoted with utmost reverence by a host of writers from at least the 4th century downwards, such as Śabara, Kumārila and Śaṅkarācārya.

111 Vide चरक, शारीरस्थान chap. 7 and सुश्रुत, शारीरस्थान chap. 5; in the अष्टाङ्गहृदय of वाग्भट, शारीर chap. 3, we find 360 bones and 700 muscles.

112 चातुर्वर्ण्यव्यवस्थानं यस्मिन्देशे न विद्यते । स म्लेच्छदेशो विज्ञेय आर्यावर्तस्ततः परः ॥  
It is to be noted that Yāj. ( I. 2 ) lays down *dharma*s for the country in which the black deer moves about, following Baudh.  
1. 28 and Vas. I. 13.





Yājñavalkya was commented upon by Viśvarūpa in the first half of the 9th century. Viśvarūpa in his commentary quotes scores of sūtras from Gautama, Āpastamba, Baudhāyana, Vasiṣṭha, Śaṅkha and Hārīta. But it is significant that Viśvarūpa in his commentary on Yājñavalkya does not quote even a single sūtra of Viṣṇu by name. It is true that Viśvarūpa (on Yāj. III. 66) says that the four forms of asceticism (*pāriṣrāḍya*) should be understood from the other smṛtis like those of Viṣṇu.<sup>113</sup> This probably refers to chap. 97 of the extant Viṣṇudharmasūtra. Medhātithi (on Manu 3. 248) quotes Viṣṇu (21. 12) and on Manu 9. 76 quotes a sūtra of Viṣṇu which I could not trace in the printed Viṣṇu.<sup>114</sup> The Mitākṣarā mentions Viṣṇu about thirty times. The quotations are taken from chapters 19, 21, 22, 35-42, 50, 51, 52, 75 and 79 of the Viṣṇudharmasūtra, 18 sūtras of chap. 22 (on āśauca and kindred topics) being quoted on Yāj. III. 23, 24, 27, 29-30. But it is a remarkable fact that not one of the verses in the extant Viṣṇudharmasūtra is cited as Viṣṇu's in the Mitākṣarā. The only exception is a verse cited as Viṣṇu's on Yāj. III. 265, which has the same purport as Viṣṇu 52. 14 (a verse) and the first *pāda* of which is identical with that of the verse in the Viṣṇudharmasūtra.<sup>115</sup> A few verses that are quoted as Viṣṇu's in the Mitākṣarā could not be traced in the extant dharmasūtra.<sup>116</sup> It is not unlikely that the sūtra

113 स्मृत्यन्तरेभ्यश्च विष्ण्वादिभ्यो विशेषतश्चतुर्विध-पारिव्राज्यप्रकारभेदोभ्युपगन्तव्यः ।

114 The quotation is 'अष्टौ विप्रसूताः षट् राजन्याश्चतुरो वैश्या द्विगुणं प्रसूतेति न शूद्रायाः कालनियमः स्यात्संवत्सरमित्येके;' compare for a somewhat similar rule Vas. 17. 78.

115 यथाह विष्णुः । दत्त्वैवापहतं द्रव्यं स्वामिने व्रतमाचरेदिति ।, while विष्णुधर्मसूत्र reads 'दत्त्वैवापहतं द्रव्यं धनिकस्याप्युपायतः । प्रायश्चित्तं ततः कुर्यात्कर्मस्योप-  
नुत्तये ॥.'

116 The verse are: ओष्टौ विलोमकौ स्पृष्टा वासो विपरिधाय च । quoted on Yāj. I. 195; 'अप्रशस्तास्तु कानीनगूढोपन्नसहोदजाः । पौनर्भवश्च नैवैते पिण्डरिक्थांश-  
भागिनः ॥' quoted on Yāj. II. 132; अपुत्रपौत्रसन्ताने दौहित्रा धनमाप्नुयुः ।  
पूर्वेषां तु स्वधाकारे पौत्रा दौहित्रका मताः ॥ on Yāj. II 135; आकृष्टस्तु दौहि-  
त्रा वापि धनैर्वा विप्रयोजितः । यमुद्दिश्य त्यजेत्प्राणांस्तमाहुर्ब्रह्मघातकम् ॥  
मित्रकलत्रार्थं सुहृत्क्षेत्रार्थमेव च । यमुद्दिश्य त्यजेत्... घातकम् ॥ उद्दिश्य

first contained mostly prose sūtras based on Manu and the Kāthakagrhya and verses were tacked on later.

Quotations from the Viṣṇudharmasūtra in the Kṛtya-kalpataru ( no part of which had been published at the time this volume was published in 1930, but now eleven parts of which have been published in the GOS. edited by my friend the late Prof. Rangaswami Aiyangar ) are made hundreds of times e. g. 132 times on Vyavahārakāṇḍa, 39 times on Śrāddha, 38 times in Niyatakāla, 35 times in Gṛhasthakāṇḍa, 30 times in Brahmācārikāṇḍa, 10 times on Rājadharmā, 15 times on Dānakāṇḍa ( the Dānakāṇḍa quotes on pp. 231-33 the whole of chap. 90 except the last five sūtras and a verse ). One great advantage is that the Kalpataru often states that the same verse or passage occurs in Viṣṇu and other ancient writers e. g. in Vyavahārakāṇḍa on pp. 270, 613, 627, 652, 676, 678 &c. verses are cited as Manu-Viṣṇu and cited as Viṣṇu and Yājñavalkya on pp. 150, 213, 289. Yāj. II. 120 ( second half ) is Viṣṇu 17. 23 ( first half ). The whole of Viṣṇu Chap. 49 ( on Dvādaśīvrata ) and Viṣṇu Chap. 89 are quoted by Vratākāṇḍa of Kalpataru on pp. 310, 418 respectively. Among later writers of *nibandhas* Aparārka quotes Viṣṇu most profusely and the Smṛticandrikā also quotes Viṣṇu about 225 times. Many of the verses found in Vi. are quoted by Aparārka as Viṣṇu's e. g. Vi. 84. 4 on Yāj. 1. 2 ; 68. 46 47 on Yāj. 1. 106 ; 67. 33 on Yāj. 1. 107 ; 5. 183 on Yāj. 2. 60 ; 10. 9-11 on Yāj. 2. 102. But there are numerous verses quoted as Viṣṇu's by Aparārka which are not found in the sūtra, e. g. on Yāj. I. 21, 53, 89, 100. Sometimes. Aparārka quotes almost whole chapters of Viṣṇu, e. g. Vi. 68 on Yāj. I. 106 and 90 on Yāj. I. 208, 70 on Yāj. 1. 114. It is to be noted that Vi. 70. 17 ( a verse ) is quoted by Aparārka as a prose sūtra ( on 1. 114 ) with slight verbal changes. All these facts make one feel naturally sceptical about the authenticity of most of the verses in the extant Viṣṇudharmasūtra. They probably formed no part of the sūtra at the time when the Mitākṣarā

( Continued from the previous page )

हत्वा तोषितः श्रावयेत् पुनः । तस्मिन् मृते न दोषोस्ति द्वयोरुच्छ्रावणे  
on Yāj. III. 227 ; स्त्रीणामर्धं प्रशतव्यं वृद्धानां रोगिणां तथा । पादो  
दातव्यः सर्वपापेष्वयं विधिः ॥ on Yāj. III. 243 ; गोव्यस्य पञ्चगव्येन  
मेकं पलत्रयम् । प्रत्यहं स्यात्पराको वा चान्द्रायणमथापि वा ॥ on Yāj. III. 243



was composed. At all events it cannot be gainsaid that the verses are a very late part of the sūtra.

The Viṣṇudharmasūtra contains quotations from all the Vedic saṁhitās and from the Aitareya-brāhmaṇa (as in Vi. 15. 45 ). It mentions the Vedāṅgas very frequently (30. 3 and 38, 28. 35, 83. 6 ), it speaks of Vyākaraṇa (83. 7 ), of itihāsa ( 3. 70, 30. 38, 83. 7 ), of Dharmaśāstras ( 3. 70, 30. 38, 73. 16, 83. 8 ), of Purāṇa ( 3. 70, 30. 38 &c ). About the close correspondence between Baud. III. 6 and Viṣṇu. 48 and between Vas. 28. 10-15 and 18-22 and Viṣṇu, chap. 56 and 87, vide remarks made above pp. 43 and 103. The sūtra quotes several verses ( called gāthās ) and says they were sung by pitrs ; vide 78. 52-53, 80. 14, 83. 21, 85. 65-67. They bear close resemblance to the gāthās sung by the pitrs quoted in the Anuśāsana-parva 88. 11-15 and a half verse ' eṣṭavyā bahavaḥ putrā yadyekopi Gayāṁ vrajet ' is the same in Vi. 85. 67 and Anu. 88. 14. The Viṣṇusmṛti enumerates twenty-one hells ( 43. 1-22 ), which are almost the same as Yājñavalkya's ( 3. 222-224 ). It mentions the names of the seven days of the week ( 78. 1-7 ), Thursday being called Jaiva, while Yājñavalkya mentions only the seven planets ( with Rāhu and Ketu ) in the same order ( I. 296 ). It recommends the practice of *satī* ( 25. 14 ), speaks of *pustakas* ( 18, 44, 23. 56 ), a word which is not used by the other dharmasūtras so far described. It gives a long list of good and evil omens at the time of starting on a journey ( 63. 33-39 ). Among evil omens it includes the sight of yellow-robed ascetics ( i. e. Buddhists probably ) and Kāpālikas ( 63. 36 ). It prohibits speech with Mlecchas, Antyajās ( 71. 59 ) and journeys to Mleccha countries ( 84. 2 ). It contains special directions about the worship of Vāsudeva in chap. 49 and speaks of Śvetadvīpa as the reward of devotion to Vāsudeva ( 49. 4 ). Here and there, there are eulogies of Vāsudeva ( 1. 50-57, 65. 1, 97. 10, 98 which ( last ) gives one hundred names of Viṣṇu ). It speaks of the four vyūhas of Vāsudeva ( 67. 2 ) and of the Varāhā incarnation. It gives a vague location of Āryāvarta as a country where the four varṇas exist ( 84. 4 ). It enumerates numerous sacred places ( 85. 1-52 ), among which Śrīparvata, Saptārṣa ( modern Satara ), Godāvarī and southern Pāñcanada deserve to be specially noted. Though it does not specifically enumerate the eighteen

titles of law just as Yājñavalkya does not, yet it contains rules ( in chapters 5-6 ) on almost all of them.

As Yājñavalkya enumerates Viṣṇu among the propounders of dharmaśāstras, it follows that a work of Viṣṇu existed in comparatively early times. What matters that work embraced it is difficult to say. It probably contained the topics found in the works of Gautama, Āpastamba and others. It may have included portions borrowed from the Kāthakagr̥hya.

An important question is whether the Viṣṇudharmasūtra is related to the Kāthaka school ( of the Caraka śākhā of the Kṛṣṇayajurveda ). I do not propose to deal with it at great length. Nanda Paṇḍita in his Com. on Viṣṇu Dh. S. 67. 3 ( where twelve deities are named ) expressly states that the description of Vaiśvadeva in that chapter follows the procedure adopted in the Kāthakaśākhā 'Kāthaka-śākhānusāreṇa Vaiśvadevam-āha ..... Agnyādibhyo dvādaśāhutirjuhuyāt'. Important evidence is furnished by the Kṛtyakalpataru, an extensive digest composed in the first half of the 12th century A. D. on Śrāddha ( GOS. Ed. ). Viṣṇu Dh. S. chap. 73 provides about *āmaśrāddhas* ( śrāddhas with uncooked grains ) and *Kāmyaśrāddhas* ( śrāddhas performed on certain tithis, nakṣatras and weekdays for securing certain desired objects specified in Viṣṇu Dh. S. Chap. 78 ) a certain procedure ( the original is quoted in the note ) <sup>116a</sup> ' in these śrāddhas

116a विष्णुधर्मसूत्र ( chap. 73. 1 ) begins : अथ श्राद्धेषु पूर्वेषु ब्राह्मणानामन्त्रयेत् .

Then sūtras from 5 are : आमश्राद्धेषु काम्यश्राद्धेषु च प्रथमपञ्चकेनाभिं हुत्वा । पशुश्राद्धेषु मध्यमपञ्चकेन । अमावास्यासूतमपञ्चकेन । आप्रहायण्या ऊर्ध्वं कृष्णाष्टकासु च क्रमेणैव प्रथममभ्यमोत्तमपञ्चकैः । अन्वष्टकासु च । विष्णुध. 73. 5-9. On this कृत्यकल्पतरु ( श्राद्धकाण्ड ) p. 165 explains ' आमश्राद्धे लौगाक्षिगृह्यानुसारेण ज्योतिष्टोमादावारम्भे नान्दीमुखश्राद्धं पञ्चम्यादौ पुत्रार्थिना क्रियमाणम् । प्रथमपञ्चकेन इति ' इयमेव से 'ति पञ्चदशर्चोऽनुवाकस्तौत्तिरीय-के काठके च पठ्यते । तस्य यथाक्रमं प्रथमद्वितीयतृतीयपञ्चकाः स्थालीपाके-नामौकरणहोमे विनियुज्यन्ते । पशुश्राद्धं समाप्तं ऽन्दे ।

The Kāthaka-gr̥hya ( ed. by Dr. Caland ) 7. 61 runs - तिस्रोऽष्टकाः पितृदेवत्याः । ऊर्ध्वमाप्रहायण्यास्त्रयस्तामिस्रास्तेष्वष्टमीष्वष्टकायज्ञाः । प्रथमां शकेन द्वितीयां मांसेन तृतीयामपूपैः । ..इयमेवसेत्यनुवाकेन पञ्चभिः पञ्चभिरभिर्हुतम् ।

1-3 and 6. लौगाक्षिगृह्य in the Kashmir Series of Texts ( 1934 ) is the same as Kāthaka-gr̥hya ; देवपालभाष्य on लौगाक्षिगृह्य explains the 13 verses at length.



during the recitation of the first *pañcaka* ( a collection of five verses ), after having offered an oblation into fire; in śraddhas where meat is offered during the recitation of the second *pañcaka*; at a śrāddha on amāvāsyā ( New Moon ) during recitation of the last *pañcaka*; on the Aṣṭākas ( eighth days ) of the three dark halves following Āgrahāyaṇī ( full moon day in Mārgaśīrṣa ) during the recitation of the first, second and last *pañcaka* respectively and likewise on the Anvaṣṭakās he must invite the Manes, &c. The Kṛtyakalpataru on Śrāddha ( pp. 164-65 ) sets out Viṣṇu Dh. S. 73. 5-14 and remarks that the words ' first *pañcaka* ' &c. have in view, according to Laugākṣigrhya, the Anuvāka of 15 ṛks, where the first *pañcaka* begins with the ṛk ' iyam-eva ' ( which is the first of the pentad ), the second pentad begins with ' pañca-vyuṣṭīḥ ' and the 3rd pentad begins with ' ṛtasya dhāma '. These fifteen verses form the 10th *anuvāka* of 39th Sthānaka ( called ' yadakranda ' from first two words ) of the Kāṭhaka-saṁhitā. The first verses of the pentad of this *anuvāka* in Kāṭhaka-saṁhitā is ' Iyameva sā &c. ', the first verse of the 2nd pentad is ' pañca-vyuṣṭīr-anu ' and the first verse of the third *pañcaka* is ' ṛtasya dhāma '. The above makes it clear that the Viṣṇudharmasūtra took the Kāṭhaka-saṁhitā and the Kāṭhaka-grhya ( or Laugākṣi ) as its basis. The words ' prathama-pañcakena, madhyamapañcakena ' are vague and could have been understood only by those who know their relation to Kāṭhaka-grhya and Kāṭhaka-saṁhitā. It follows that at least some chapters ( like 21, 64, 65, 67, 73 &c. ) were certainly based on the Kāṭhaka grhya ( if not all ), and the Viṣṇu Dh. S. was originally intended to be a Dharma-sūtra for the students of the Kāṭhaka, though in course of time it grew and included elements not connected with Kāṭhaka-śākhā.<sup>116b</sup>

116b It should be noted that these fifteen verses occur in the Kāṭhaka-Saṁhitā as well as in Tai. S. IV. 3. 11 and Maitrāyaṇī Saṁhitā II. 13. 71-85. But the latter two differ from Kāṭhaka Saṁ. in the sequence of the verses and also present different readings of a word or two. The first five verses of the Anuvāka of 15 verses in Kāṭhaka S. and Tai. S. are the same and in the same order. But, thereafter there is a great deal of difference. The sixth verse in Kāṭhaka ' pañca-vyuṣṭīr-anu ' becomes 11th in Tai. S. and the first verse of the third *pañcaka* in Kāṭhaka is ' Ṛtasya dhāma ' and becomes the 13th in Tai. S. The Mai. S. does not concur in having even the first five verses in the same order.



It may be stated that on Viṣṇu Dh. S. 21. 17 also Nanda-  
paṇḍita mentions the Kāṭhaka-grhya, that Viṣṇu Dh. S. 64. 21  
( Drupadām Sāvitrīm vā ) refers to ' Kāṭhaka S. 38. 63 ( Drupa-  
dādivonmumucāṇah etc. ). Similarly, Viṣṇu 65. 2 ( Aśvinoḥ  
prāṇastau te iti jivādānam dattvā ) mentions Kāṭhaka-saṁ.  
11. 17; on Vi. Dh. S. 65. 7 Nandapaṇḍita remarks that the  
four mantras ( Kāṭhaka-saṁ. 36. 29-32 ) are to be recited;  
Viṣṇu 65. 11 ( tejosi śukramiti dīpam ) mentions a mantra  
from Kāṭhaka-saṁ. I. 33.

Dr. Jolly in his learned and long introduction to the translation of Viṣṇu Dh. S. ( SBE. Vol. VII, pp. ix-xxxvii ) deals with several problems, some of which have been discussed already. His remarks on some problems will be briefly mentioned here. On p. XXIV ( in order to establish the priority of Viṣṇu to the Manusmṛti ) he says that the ' Viṣṇusūtra nowhere refers to South Indian nations such as the Draviḍas and Āndhras or to the Yavanas '. That non-mention does not lead to positive conclusions is well illustrated here. The Āndhras are mentioned even in the Aitareya Brāhmaṇa ( 33. 6 ), where Viśvāmitra curses his disobedient sons that ' their offspring will be Āndhras, Śābaras and Puṇḍras ' &c. ). Aśoka in his 13th Rock edict mentions Āndhras. On p. XXI Dr. Jolly refers to Yāj. II. 240-41 where nāṇaka is mentioned and punishment is provided for one turning out a false nāṇaka or for fabricating a royal grant, while Viṣṇu V. 9 refers only to royal grants but not to nāṇakas. This is put forward by Dr. Jolly as a ground for regarding Viṣṇu as more ancient than Yāj. ( p. XXI ). It has been shown that the Viṣṇudharmasūtra professes to be a direct revelation by God Viṣṇu to the Earth Goddess and therefore the redactor of Viṣṇu knowing that the nāṇaka is of foreign origin omitted that word. Lastly, his view ( Intro. pp. XXV, ff ), following the lead of Bühler, that the extant Manusmṛti is an improved metrical edition of the Mānava-dharmasūtra ( not now available ) will be dealt with later under section 13 ( Mānavadharmasūtra : did it exist ? ). I agree with Dr. Jolly that some devotee of Viṣṇu recast the original Dharmasūtra ( Intro. pp. XXVIII ff ). I am in agreement with the view which Dr. Jolly holds that the original Viṣṇudharmasūtra was closely connected with the Kāthaka Saṁhitā. Not only Nandapaṇḍita, but the Kṛtya-kalpataru ( of the first half of 12th century ) relies on the tradition that Viṣṇu Dh. S. accords with Laṅkāksi-grhya



Dr. Jolly ( on pp. XXIX–XXXI of his Introduction ) puts forward several considerations as to how and why the chapters were raised to 100, what portions may be regarded as old and what were added by the Viṣṇuite redactor later. I do not agree with everything he says but on the whole his treatment is judicious. He observes that the Viṣṇuite editor ( pp. XXXII ) cannot be placed earlier than 3rd or 4th century A. D. I agree with this.

The original Viṣṇu Dh. S. ( mostly in prose ) may have to be placed about 300 B. C. to 100 A. D. and the present inflated text about 400 to 600 A. D. Vide two papers of Prof. L. Renou of Paris on Viṣṇu in *Journal Asiatique* ( 1961 ) pp. 163–172 ( in French ) and in *Bulletin of the D. C. R. I.* Vol. 20 parts 1–4 ( in English ) pp. 319–323.

When Dr. Jolly says that certain chapters of Viṣṇu agree closely with the Kāthakagr̥hya, all that is meant is that some of the sūtras of Viṣṇu are the same or almost the same as those of the Kāthakagr̥hya ( e. g. compare Viṣṇu 21, 73 and 86 with Kāthakagr̥hya V. 12, V. 9, and V. 3 respectively ). But in all these places Viṣṇu contains more details than the Kāthakagr̥hya. It may, however, be noted that in a few cases the views of the Kāthakagr̥hya differ from those of Viṣṇu. For example, Viṣṇu ( 30.1 ) speaks of Vedic studies for  $4\frac{1}{2}$  months only in the year when once they are started on the full-moon day of Śrāvaṇa or Bhādrapada, while the Kāthakagr̥hya ( I. 9.10 ) gives three alternatives, viz.  $4\frac{1}{2}$ , 5 or  $5\frac{1}{2}$  months ; Viṣṇu prescribes that the proper year for the upanayana of a ksatriya is the 11th from conception ( 27.16 ), while the Kāthaka prescribes the 9th, without specifying whether it is to be from conception or birth ( IV. 1.2 ) ; Viṣṇu enumerates eight forms of marriage ( 24.18 ), while the Kāthaka ( II. 3 and 4 ) speaks of only two, Brāhma and Āsura, and is silent about the rest ; Viṣṇu ( 46. 19–20 ) defines Sāntapana and Mahāsāntapana differently from the Kāthaka ( I. 7.3–4 ), but agrees with Yājñavalkya ( III. 315–316 ). Here the recent Lahore edition of the Kāthakagr̥hya by Dr. Caland has been used. As it used Kāthaka *mantras* and borrowed from the Kāthakagr̥hya, the dharmasūtra may have been a textbook of the Kāthaka school and probably originated in Kashmir and Punjab which is the home of the Kāthaka



The date of the older portion of Viṣṇu may be placed between 300 B. C. to 100 B. C. But this is no more than a mere conjecture. It is to be noted that Kumārila does not mention the Viṣṇudharmasūtra among the sūtras studied by particular schools. Then several centuries later on the whole of the sūtra was recast from the Vaiṣṇavite point of view and received large additions both in prose and verse. When these additions were made we have no exact means of determining. It is probable that they were not made very long before Viśvarūpa. At all events the additions were made long after the Yājñavalkyasmṛti and after the 3rd century. The mention of the week days makes the sūtra comparatively a late work. The earliest epigraphic mention of a week-day is in the Eran inscription of 484 A. D. (vide Fleet's Gupta inscriptions pp. 88-89) and Varāhamihira (6th century) knew the week days well. The Brahmapurāṇa (28. 55) mentions Sunday and the Padmapurāṇa mentions Thursday (Brahmakhaṇḍa chap. 11. 34). The Sūrya-siddhānta (XII. 6 and 78) speaks of the lords of days. Thus although the extant Viṣṇu-dharmasūtra is a late recast, it contains a few doctrines that were held in ancient times. For example, it allows a Brāhmaṇa to marry a girl of anyone of the four varṇas (24. 1) and does not inveigh against *niyoga* as Manu does.

A few of the sūtras agree closely with Nārada. Vide Vi. 7. 10-11 and Nārada (Rṇādāna verses 136-137).

The Mitākṣarā quotes all the prose passages of chapters 85-42 and ascribes them to Brhadviṣṇu (on Yāj. 3. 242). Similarly, on Yāj. 3. 261 it ascribes Vi. 35. 3-5 to Brhadviṣṇu. Similarly, the Smṛticandrikā (II. p. 298) ascribes Vi. 17. 4ff to Brhad-Viṣṇu. The Mitākṣarā (on Yāj. 3. 267) quotes a verse of Vṛddha-Viṣṇu which summarises some sūtras of Viṣṇu<sup>117</sup> (50. 6 and 12-14).

In the Ānandāśrama collection of smṛtis there is a Laghu-Viṣṇusmṛti in five chapters and 114 verses dealing with the duties of the *varṇas* and the four āśramas. Aparārka in his commentary on Yāj. 3. 258 quotes four

117 The verse of वृद्धविष्णु is विप्रे तु सकलं देयं पादोनं क्षत्रिये वैश्ये धर्मैकपादस्तु शूद्रजातिषु शस्यते ॥ The sūtras are : ब्राह्मणे द्व्यर्धं वैश्यवधे । तदर्थं शूद्रवधे । पादोनं क्षत्रियवधे । अर्धं वैश्यवधे । तदर्थं शूद्रवधे ।



verses from Laghu-Viṣṇu, which are not found in the Ānandāśrama text. So Aparārka used some other work or perhaps a larger work. The Parāśara-Mādhaviya often quotes gadya-Viṣṇu and padya-Viṣṇu. The former from a quotation in vol. I. part 2, p. 234 seems to be the Viṣṇu-dharmasūtra itself. In the Sarasvatīvilāsa numerous sūtras of Viṣṇu with the explanations of Bhāruci thereon are quoted, which are not found in the printed Viṣṇu.<sup>118</sup>

The Viṣṇu-dharmasūtra was commented upon by Nanda-paṇḍita, author of several works on dharmaśāstra, who wrote at Benares the commentary called Vaijayantī (according to certain mss.) in 1679 (i. e. 1622-23 A. D.) of the Vikrama era. Dr. Jolly publishes extracts from this commentary in his edition of the sūtra.

From the fact that the Sarasvatīvilāsa quotes several times the sūtras of Viṣṇu with Bhāruci's explanation, it looks probable that Bhāruci commented upon the Viṣṇudharma-sūtra. For further information on Bhāruci vide sec. 61.

So far only the printed and well-known dharmasūtras have been passed under review. But there were numerous other dharmasūtras which are either now extant in rare mss. or are not yet discovered but are only to be reconstructed from quotations. It is now time to discuss them.

## II. The Dharmasūtra of Hārīta

That Hārīta was an ancient sūtrakāra on *dharma* is quite patent from the fact that the dharmasūtras of Baudhāyana, Āpastamba and Vasīṣṭha quote him as an authority.

118 e.g. para 637 : यथाह भारुचिरेतद्विष्णुवचनव्याख्यानावसरे बीजशब्दः पिण्ड-  
वाचीति । ( Viṣṇu's sūtra seems to have been बीजग्रहणानुविधायमंशं  
गृहीयात् ); para 719 अत्र भारुचिः ( on विष्णु's सूत्र ' पितृव्यपितृभ्रातृ-  
भिरेव संसर्गो नान्यैः ) । वैकल्पिकोयं संसर्गविधिरिति ; para 736 अत्र भारुचिः  
भिन्नोदराणामिति निर्धारणे षष्ठी ( on विष्णु's सूत्र ' भिन्नोदराणां संसृष्टिनो  
गृहीयुः ' ); para 847 contains a long sūtra of Viṣṇu ' अपित्र्यं गार्भं  
धर्मं मैत्रं वैद्यमाकस्मिकमादशशब्दं प्रविभाज्यमत ऊर्ध्वं सर्वमाविभाज्यम् '  
and para 848 contains भारुचि's explanation of it.

Vide pp. 32, 50, 165, 166, 243, 244 &c. of the recently published Mysore edition of the सरस्वतीविलास for sūtras of Viṣṇu which are not found in the printed text of Viṣṇu. It appears that the सरस्वतीविलास had a very much larger version of the sūtra before 1917.



Hārīta's view is quoted by Baud. Dh. S. II. 1. 50, which differs from the view propounded in Baud. Dh. S. II. 1. 49; Āp. Dh. S. refers to Hārīta in I. 13. 11, I. 18. 2, I. 19. 12, I. 28. 1, 5 and 16, I. 29. 12 (which is the same as quoted in Baud. Dh. S. II. 1. 49). Vasiṣṭha quotes Hārīta in II. 6 (a verse the first half of which is in Manu 2. 171 and the 2nd half in Manu II. 172 and in Vanaparva 180. 35). Vide also Baud. Dh. S. I. 2. 7 (which is almost the same verse as in Vas. II. 6 and seems to be a quotation as 'iti' is added at the end. Āpastamba quotes Hārīta more frequently than any other author. From this it may be concluded that they belonged to the same Veda. The Tantravārtika (vide note 55 above) mentions Hārīta along with Gautama and other sūtrakāras on dharma. From Viśvarūpa down to the latest writers on dharmaśāstra Hārīta is most profusely quoted. From the quotations it appears that his dharmasūtra was perhaps the most extensive of all dharmasūtras.

Dr. S. C. Banerjee contributed to the 'Journal of Oriental Institute' Baroda Vol. VIII. No. 1 (1958) pp. 14-37 a reconstruction of Hārīta-dharmasūtra and in his recent publication on 'Dharmasūtras' devotes pp. 257-289 to prose passages alone from Hārīta quoted in several nibandhas on all topics of Dharmaśāstra arranged in Sankrit alphabetical order but transliterated in English characters. In pp. 239-244 he mentions twentyfour authors as writers of Dharmasūtras with brief notes on each and in pp. 244-344 he sets out transliterated prose sūtras from these 24 writers and omits passages from Śaṅkha-likhita because I collected passages from them in ABORI. Vol. VII-VIII (vide p. 84 above) and omits Brhaspati also since the late Prof. Ranga-swami Aiyangar extracted passages of Brhaspati quoted in nibandhas, arranged them under different topics and published them in the G. O. S., Baroda (1941).

The late Pandit Vamansastri Islampurkar discovered at Nasik a ms. of the Hārīta-dharmasūtra. It was not possible for me to make use of it for the present work. Dr. Jolly (in R. und S. pp. 8-9) gives an account of the ms. from which I give a summary. It is so faulty that an edition based on it alone cannot be thought of. The ms. contains thirty chapters. So far as the language and contents are concerned the work impresses one as ancient, but the material citations ascribed to Hārīta in later digests on court



procedure and the law of crimes &c. are not found in the ms. The prose is mixed up with verses in Anuṣṭubh and Triṣṭubh metres, which are often introduced with the characteristic words "athāpyudāharanti" as in other dharmasūtras. The ms. quotes 'bhagavān Maitrāyaṇi' and the verse "Śatadāyo vīro" which is Maitrāyaṇīya Saṁhitā I. 7. 5. Dr. Caland points out remarkable correspondence between the citations of Hārīta and the Maitrāyaṇīya Parisiṣṭa and Mānava-śrāddhakalpa. All this tends to show that he was a sūtra-kāra of the Black Yajurveda. The numerous quotations from Hārīta in Āpastamba and Bandhāyana are not, however, found in the ms. The ms. was found at Nasik, which is also the source of two mss. of the Maitrāyaṇīya Saṁhitā. The Kashmirian word 'kaphella' is cited in Hārīta and so the Hārīta-dharmasūtra probably originated there. Hemādri (Caturvarga III. 1. p. 559) mentions a commentator (bhāṣyakāra<sup>119</sup>) of Hārīta.

From the numerous quotations from Hārīta in the *nibandhas* it appears that the dharmasūtra dealt exhaustively with the same topics as are dealt with in other dharmasūtras, viz. sources of dharma, brahmacārin of two kinds (upakurvāṇa and naiṣṭhika), *snātaka*, the householder, the forest hermit, prohibitions about food, impurity on birth and death, śrāddha, the pañkṭipāvana, general rules of conduct, the five yajñas, Vedic study and holidays, duties of kings, rules of statecraft, court procedure, the various titles of law, duties of husband and wife, various kinds of sins, prāyaścittas, expiatory prayers &c.

According to Kullūka (on Manu 2. 1) the Hārīta-dharmasūtra opened with the words 'now then we shall explain *dharma*; dharma is based upon revealed texts (śruti); revealed texts are of two kinds, the Vedic and the Tāntric'.<sup>120</sup>

119 The sūtra of Hārīta is 'पालङ्क्या-नालिका पौतीक-शिषु ससुक-वार्ताक-भूस्तृण-कफेल्ल-माष-मसूर-कृतलवणानि च श्राद्धे न दद्यात्', on which हेमाद्रि says, 'कफेल्लः आरण्यविशेषः काश्मीरेषु प्रसिद्ध इति हारीतस्मृति-भाष्यकारः'.

120 'अथातो धर्मं व्याख्यास्यामः । श्रुतिप्रमाणको धर्मः । श्रुतिश्च द्विविधा वैदिकी तान्त्रिकी च ॥'. The Brahmayajña probably takes the words 'अथातो धर्मं व्याख्यास्यामः' from हारीत and not from the Vaiśeṣika-sūtra.



'Śruti is of two kinds viz. Vaidikī (consisting of the Veda) and Tāntrikī (consisting of Tantra)'. I did not explain this last word. Now I realise that the word is liable to be misunderstood. A veteran scholar like Dr. R. C. Hazra went so far as to suggest (in I. H. Q. Vol. 36 pp. 141-150) that by 'Tāntrikī' I meant the system of Tantras (developed several centuries later than the Dharmasūtras) dealing with Mantras, secret practices and esoteric teachings of *gurus* and that Hārīta did not know the tantras that were a later development altogether. I agree that the Hārītadharmasūtra did not use the word Tāntrikī in the sense in which the word Tantra is used in much later times. But as the text of Hārīta was not available, I could not dilate on that point and did not state what he must have meant by Tāntrikī śruti.

I was then concerned only with the contents of the Hārītadharmasūtra available from quotations in late works on Dharmasāstra. Hārīta gave a wider meaning to Śruti than what other ancient sūtras and smṛtis give to the word. In Gaut. Dh. S. I. 1-2 it is stated that the Veda is the source of dharma and also the smṛtis and usages of those who know the Veda. Manu (II. 6) says the same thing and in II. 10 asserts that Śruti means Veda and Smṛti means Dharmasāstra. Hārīta as quoted by Kullūka widens the meaning of Śruti, as including Veda and also something more. But as that point has been now raised I shall try to explain briefly what he probably meant by Tāntrikī (Śruti). The word Tantra is a Vedic one. It occurs in Rg. X. 71. 9 (sirīs-tantram tanvate aprajajñayaḥ). Tantra here appears to mean 'loom' and the word is derived from the root 'tan' to spread or stretch. Pāṇini in VII. 2. 9 derives the word from the root 'tan' with affix 'tra' and in another sūtra (V. 2. 70) states that 'tantraka' means cloth recently taken off from a loom. The Amarakośa gives four meanings of 'tantra', one of which is 'siddhānta' (a system of thought or philosophy). Hārīta's idea appears to have been that a work dealing with the formulation of principles based on the Veda (and hence called 'Tāntrikī' from the word *tantra* meaning *siddhānta*) might be designated Śruti. It would be clear from the Nyāyasūtra (I. 1. 27-31) that Śāṅkhya and Yoga may be called 'samāna-tantra' though they differ on certain points. Similarly the Arthasāstra may be called *Samāna-tantra* with the *Manu-smṛti*, as both have certain principles in common, though





they differ in other matters. It may be noted in this connection that the word 'tantra' is applied to the Sāṅkhya system by Śāṅkarācārya (in his bhāṣya on Vedāntasūtra II. 2. 1) and the Pūrvamīmāṃsā system is styled by him as 'prathamatantra' in his bhāṣya on Vedānta-sūtra III. 3. 53. The Sāṅkhya-kārikā refers to itself as 'tantra' in Kārikā 70 'tena ca bahudhā kṛtam tantram'. Brhaspati as quoted by Aparārka p. 740 says that a wife is called half of a man in 'Āmnāya' (Veda) and 'Smṛtitantra'. So Hārīta Dharmasūtra understands the word 'tantra' as meaning a 'śāstra based on Veda'. The Arthaśāstra of Kauṭilya sets out in the 15th adhikaraṇa 'tantra-yuktis'. Vide for further details on the meaning of 'tantra' H. of Dh. Vol. V. pp. 1031-3.

The quotations show that this style (as in n. 120) was pursued in the body of the work. Aparārka (on Yāj. III. 322) quotes a sūtra<sup>121</sup> in a similar style about a penance 'Tulāpurusa' said to have been promulgated by Śiva himself. Hārīta-sūtra often introduces verses as quotations with the words "an author says thus" (evam hyāha; vide Aparārka on Yāj. I. 83, I. 154, III. 135, Vivāda-ratnākara pp. 443, 626). Numerous passages quoted as Hārīta's are identical with passages from other dharmaśāstra works. The sūtra 'Jāyāpatyor-na vibhāgo vidyate' is quoted as from Hārīta by the Smṛticandrikā (II. p. 268), which is the same as Āp. Dh. S. II. 6. 14. 16. The same work quotes 'pratyakṣavidhānād gārhaṣṭhyasya' as from Hārīta which is part of Gautama 3. 35. A verse about the enormity of usury quoted in the Smṛticandrikā (I. p. 177) as Hārīta's is almost the same as Baudhāyana (I. 5. 79) and Vasiṣṭha<sup>122</sup> (2. 42). A verse about atipātakins (quoted by Aparārka on Yāj. III. 231) is the same as Viṣṇu 34. 2. Manu is mentioned by name in several verses (vide Smṛticandrikā III. p. 436, Vivāda-ratnākara p. 552-553). Two verses are cited in the Vyavahāratattva of Raghunandana as found in Hārīta, Baudhāyana (I. 10. 30) and Manu (8. 18-19). A verse quoted by the Smṛticandrikā (II. p. 21) is almost the same as Manu 8. 95. Several times

121 अथातस्त्रिनयनोक्तस्य तुलापुरुषस्य कल्पं व्याख्यास्यामः ।

122 The verse is 'ब्रह्मघ्नं वृद्धिजीवं च तुलया समतोलयत् । अतिष्ठद् ब्रह्म कलम् ।  
वृद्धिजीवस्त्वकम्पत ॥'



we have the words 'Prajāpativaco yathā' (vide Aparārka on Yāj. I. 154 and Smṛticandrikā I. p. 181). Hārīta seems to have relied upon the views of 'ācāryas' in several places.<sup>123</sup> He often quotes the views of others (eke, apare<sup>124</sup>) and sometimes refutes them.<sup>125</sup>

Hārīta refers to the Vedas, the Aṅgas, dharmaśāstra, metaphysics, and other branches of knowledge.<sup>126</sup> The quotations do not show that he belonged to any particular Veda, as he quotes from all the Vedas promiscuously. In this connection it is worthy of note that, though Kumārila mentions Hārīta as an ancient dharmaśūtrakāra, he does not assign him to any particular school, while he assigns Āpastamba and Baudhāyana to the Taittirīya school.

Some of the doctrines of Hārīta are worth noting. He speaks of eight forms of marriage, but two of them are styled Kṣatra and Mānuṣa, while Ārṣa and Prājāpatya are omitted (vide Viramītrodaya, Saṃskāraprakāśa, p. 84). Vasistha has the same nomenclature (I. 29). Hārīta speaks of two sorts of women (*brahmavādinīs* and *sadyovadhūs*) and states that the former were entitled to have the Upanayana performed, to keep the sacred fire and to study the Vedas.<sup>127</sup>

123 Viśvarūpa on Yāj. I. 195 p. 137 remarks 'तन्मात्रच्छेदनमेके वाससाम् । न. वासाधारणत्वात् । साधारणं हि वास इत्याचार्याः । तस्मात्सर्ववाससामुपघातापनोदनादेव शुद्धिः ।' ; अपरार्क on Yāj. I. 154 ( pp. 221-22 ) quotes a long prose passage with some verses from Hārīta in which occur the words 'आहारशुद्धौ सत्त्वशादिरित्याचार्याः' and on Yāj. III. 58 again quotes Hārīta's words 'आहार...चार्याः' and explains 'sattva' as meaning 'antaḥkaraṇa'. The words 'आहारशुद्धौ सत्त्वशुद्धिः' occur in Chān. Up. VII. 26. 2.

124 Vide मद्. पा. pp. 607, 706 ; स्मृतिच. III. p. 422, अपरार्क on Yāj. II. 127.

125 अपरार्क on Yāj. I. 183 'यानशयनान्यपरिहार्याण्येके मन्यन्ते । तन्न । वर्णविशेषात् शुक्लमलिनसंसर्गदर्शनात् पापसंसर्गयोगाच्च तस्मात् पृथक् शौचाच्छ्रेयासः ।'

126 स्मृतिच. III. p. 290 'वेदा अङ्गानि धर्मोऽध्यात्मं विज्ञानं स्थितिक्षेति षड्विधं श्रुतम् ।' ( कल्पतरु, श्राद्धकाण्ड p. 66 ).

127 द्विविधाः स्त्रियः । ब्रह्मवादिन्यः सद्योवध्वश्च । तत्र ब्रह्मवादिनीनामुपनयनममीनृषां वेदाध्ययनं स्वगृहे च भिक्षाचार्या । quoted in स्मृतिच. I. p. 24 and चतुर्विंशतिमतव्याख्या ( Benares ed. ) p. 113.



He speaks of the twelve kinds of sons (vide Haradatta on Gautama 28. 32). He looks down upon the profession of an actor and forbids the employment of a Brāhmaṇa actor in any śrāddha or rite for gods.<sup>128</sup> A Hārītabhāṣyakāra is mentioned by the Kalpataru (śrāddha) on p. 51 in explaining a prose passage. Aparārka (on Yāj. II. 332) quotes from Hārīta a lengthy passage in mixed prose and verse, where the worship of Gaṇeśa comes in.<sup>129</sup>

A very interesting question is the relation of the verse quotations from Hārīta with the prose quotations from Hārīta. The dharmasūtra was probably interspersed with verses as is the case more or less with all dharmasūtras except that of Gautama. But there are numerous verses ascribed to Hārīta in the *nibandhas*, which are manifestly modern. Both the Mitākṣarā and Aparārka (on Yāj. I. 86) quote Hārīta's verses eulogising the *satī*. The Smṛticandrikā (III. p. 344) quotes his verses that refer to the signs of the Zodiac. There are numerous verses containing elaborate rules of procedure, ascribed to Hārīta, which are quite foreign to the general atmosphere of the ancient dharmasūtras. All such verses must be ascribed to a comparatively later date. In the Śuddhimayūkha it is said that certain verses quoted from the Mahābhārata by Hārīta are not found in several copies of the Mahābhārata.

The Dharmasūtra of Hārīta appears to have been a very extensive one and was in mixed prose and verse. Aparārka quotes both prose and verse passages over 110 times, one remarkable matter being that the quotations on Vyavahāra are only a few (both in verse and prose). The Kalpataru contains a very large number of prose and verse quotations from Hārīta. It would be a great service if some scholar collected all the quotations (prose and verse) cited in the Kalpataru with notes. They are profuse and some are very interesting. In the Brahmacārikāṇḍa he is quoted over 50 times and there are very large prose passages on pp. 198, 268, 271, 277 (on three kinds of snātakas). The


128 कुशीलवासीन् देवे निष्ठे च वर्जयेत् । quoted by अपरार्क on Yāj. I. 222-224 p. 454.

129 We have there the names सालकटंकट, कूभाण्डराजपुत्र, महाविनायक, बक्रतुण्ड, गणाधिपति. For the first two, vide मानवगृह्यसूत्र II. 14. and याज्ञ. I. 235 ff.

Vyavahāra-K. profusely quotes both prose and verses over 70 times. Some prose passages are very long e. g. on pp. 623-625 on the proper acts for a wife ( *Atha patnyācārān-anukramiṣyāmaḥ grham patnī &c.* ). Even in Śrāddha section there are many huge prose passages on pp. 66-67, 88 ( long list of paṅktidūṣakas ), 163, 204.

Dr. Jolly ( in 1889 ) collected most of the prose and verse citations from Hārīta on the Vyavahāra section. In Jivananda's collection, we have a Laghu-Hārīta-smṛti ( I pp. 177-193 ) and a Vṛddha-Hārīta-smṛti ( I. pp. 194-409 ). The former contains seven *adhyāyas* and about 250 verses, dealing with the duties of the four *varṇas* and the *āśramas* and with Yoga. The latter is professedly a Vaiṣṇavite work, said to have been proclaimed by Hārīta to Ambarīṣa ; it is divided into eight chapters and contains about 2600 verses, dealing with the *nitya* and *naimittika* rites of the *varṇas* and *āśramas*, the nature of the individual and Supreme Self and the means of attaining *mokṣa*. In the Ānandāśrama collection of smṛtis, Vṛddha-Hārīta is divided into eleven chapters, the first two of Jivananda's being split up into five. The Ānandāśrama collection contains a Laghu-Hārīta-smṛti in 117 verses, which is different from the Laghu-Hārīta of Jivananda. The former deals with purification from pollutions of various kinds, with *prāyaścittas*, rules about impurity on birth and death, śrāddha and a few rules about inheritance, partition &c. <sup>129a</sup>

It is noteworthy that Aparārka ( on Yāj. III. 254 ) quotes Vṛddha-Hārīta and Hārīta, both in prose, one immediately after the other. Vṛddha-Hārīta in prose is cited by the Mit. on Yāj. III. 259, 261. Some comparatively early commentators and digest-writers started the theory that authors

129a The Mit. on Yāj. II. 135-136 quotes the verse विधवा यौवनस्था ... ... जीवनं तदा ) ' as Hārīta's, which is Laghu-Hārīta 67 ( Ānan. ed. ). Laghu-Hārīta ( Ānan. 64-65 ) has the verse ' पत्नी ... ब्रह्मचारिणः ' which is the same as Yāj. II. 135. The last three verses of Laghu-Hārīta ( Ānan. ed. ) are quoted by the Mit. on Yāj. II. 114 ( without name ). One of them ' Pitiprasādāt ' is cited as Nārada's in Aparārka p. 730 and all three are cited ( without name ) by Par. M. III. pp. 484-485. A very striking verse is quoted by Kalpataru ( on  ) as ' लघुहारीतः ' वनेऽपि दोषाः प्रभवन्ति रागिणीं गृहेषु पञ्चेन्द्रियनिग्रहसम्पन्नम् । अकुत्सिते कर्मणि यः प्रवर्तते निवृत्तरागस्य गृहं तपोवनम् ॥ '.

described as Manu and Vṛddha-Manu, Yājñavalkya and Vṛddhayājñavalkya and the like were not entirely different individuals, but they were the same authors at different stages of their lives. Vide Aparārka ( pp. 7-8 ) on Vṛddha-Manu and the Kalpataru ( Brahmacāri° ) quoted below.<sup>129b</sup>

That the Vṛddha-Hārīta in verse is comparatively a late work follows from the fact that it distinctly recites that the smṛtis of Manu, Yājñavalkya, Nārada and Kātyāyana were known to it as authorities on rāja-dharma.<sup>130</sup> Some of the quotations ascribed to Laghu-Hārīta in Aparārka and other works are found in the Laghu-Hārīta, e. g. the verse 'vinā yajñopavitena' ( Laghu-Hārīta, Ānandāśrama, verse 23 ) is quoted by Aparārka on Yāj. III. 289. Some verses that are ascribed to Hārīta are found in the Laghu-Hārīta; for example, the verse 'snānam kṛtvā tu ye,' cited by the Smṛticandrikā ( I. p. 203 ), occurs in the Laghu-Hārīta ( Ānandāśrama, verse 41 ). It appears that several compilations were made at different times, embracing different topics of *dharma* and ascribed to Hārīta, probably because they were based more or less on the Hārītadharmasūtra.

That some of the verses ascribed to Hārīta are very ancient follows from several considerations. For example, Viśva-rūpa quotes ( on Yāj. III. 246 ) a verse from Hārīta. The

129b एवं वृद्धमन्वादयश्च वयोवस्थादिभेदेन मन्वादिप्रणेतार एव द्रष्टव्याः । अविरोधित्वाच्छ्रुतिस्मृत्युपबृंहकत्वाच्छिष्टपरिगृहीतत्वादाप्तोक्तत्वाच्च । अपरार्क pp. 7-8

वृद्धशातातप-योगियाज्ञवल्क्य-वृद्धवसिष्ठ-वृद्धमनु-लघुहारीतादीनि तु प्रसिद्ध-षट्त्रिंशदन्तर्गतकर्तृकान्येव, अवस्थाभेदेन तैरेव करणात् । कृत्यकल्पतरु ( ब्रह्मचारि° p. 24 ). Vide Kṛtyaratnākara pp. 29-30 for similar words.

130 राजधर्मोयमित्येवं प्रसङ्गात् कथितो मया । कात्यायनेन मनुना याज्ञवल्क्येन धीमता ॥ नारदेन च संप्रोक्तं विस्तरादिदमेव हि । तस्मान्मया विस्तरेण नोक्त-मत्र नृपोत्तम ॥

( Jivananda I, 4th chap. p. 265 ; Ānandāśrama, 7th chap. 270-272 ). That the author of Vṛddha-Hārīta was a rigid Vaiṣṇava follows from two verses in I. 25, 27 अवैष्णवास्तु ये विप्राः पाषण्डास्ते नराधमाः ।

तेषां तु नरके वासः कल्पकोटिशतैरपि ॥ अचक्रधारी यो विप्रो बहुवेदश्रुतोऽपि वा । स जीवन्नेव चाण्डालो मृतो निरयमाप्नुयात् ॥ वृद्धहारीत 9. 230-231

quotes प्रायश्चित्तैरपैत्येनो° as from Yogeśvara ( Yāj. III. 226 ). It mentions 'Śanidina' ( Saturday ) in 8.366 and Bhārgava-vāṣaṭa ( Friday ) in 8. 407. It is clear that it is a late fabrication.

Sarasvativilāsa quotes from Hārīta a brief passage which appears to be a portion of a verse and Kātyāyana's explanation thereon.<sup>131</sup> It follows that long before the sixth century A. D. Hārīta's Dh. S. contained verses.

For Hārīta on Vyavahāra, vide sec. below.

Dr. S. C. Banerjee in J. O. I. ( Baroda ) vol. VIII pp. 14-37 ( 1958 ) published a collection of passages of Hārīta-dharma-sūtra ( transliterated ) from 21 works ( holding the different parts of the Smṛticandrikā as separate works ), but without any translation or notes.

If all passages of Hārīta quoted in the several nibandhas were collected and carefully studied it would be found that several verses are common to it and Manu and other smṛtikāras. For example, Kalpataru ( on Gr̥hastha ) p. 43, noted that the verse 'Vṛṣaliphenapitasya' is common to Manu, Yama and Hārīta ( it is Manu IV. 19 ). The same kāṇḍa on p. 310 quotes with the word ( 'evam hyāha' ) three verses one of which ( pañca paśvanṛte hanti ) is the same as Manu VIII. 98.

## 12. The Dharmasūtra of Śaṅkha-Likhita

From the Tantravārtika we learn ( note 55 above ) that the Dharmasūtra of Śaṅkha-Likhita was specially studied by the Vājasaneyins ( the followers of the white Yajurveda ). The Tantravārtika also quotes a few words from that Dharmasūtra which constitute an Anuṣṭubh pāda.<sup>132</sup> The Mahābhārata ( in Śāntiparvan, chap. 23. 18-43 ) narrates the story of the two brothers, Śaṅkha and Likhita, who resided in separate dwellings surrounded by trees. Once Likhita came to the āśrama ( hermitage ) of Śaṅkha in his absence. He took some ripe fruits from some of the trees of Śaṅkha's āśrama and ate them. While he was eating, Śaṅkha came and asked him where he got the fruits. Likhita smiled and told his brother that he took them from his trees. Then Śaṅkha got angry and told his brother that he was guilty of theft and asked

131 हारीतेनापि केचन भेदा उक्ताः । एकमूले द्विरुत्थानो द्विस्कन्धो द्विफलः ।

कात्यायनस्तु तान् व्याचष्टे । 2nd उल्लास, p. 61 ( Mysore edition ).

132 तन्त्रवार्तिक, p. 139. 'स्मार्तधर्मोधिकारे हि शङ्खलिखिताभ्यामुक्तम्-  
स्मृतिधारकः'.





him to go to the king Sudyumna for punishment. Likhita went to the king who would not punish him as he was a man of pure character and learned; when he persisted the king ordered his hands to be cut off. His arms were restored when he plunged into the river Bāhudā. In Śānti ( 130. 29 )<sup>132a</sup> it is said 'It is not possible to live if one adopts Śaṅkhalikhita mode of life, particularly when one intends to secure the protection of the subjects.' In another place ( Śāntiparvan 132. 15-16 ) it is said 'Some hold that conduct or practice is the best characteristic of *dharma*, others to whom Śaṅkha-Likhita are dear do not like them.' Vide Sabhāparva 7. 11 where among the holy sages who graced Indra's *sabhā* are included Śaṅkha and Likhita.

In the Pāli Dīghanikāya II. 40-41 we have the words 'Śaṅkhalikhita - brahmacariyam caritum'. Prof. Bapat in the Silver Jubilee Vol. of BORI. ( 1942 pp. 61-66 ) tries hard to prove that the words 'Nayidam sukaram agāramajjhāvasatā ekāntaparipuṇṇam ekāntapariśuddham Śaṅkhalikhitam-brahmacariyam caritum' occurring in the Dīghanikāya ( 2nd sutta, 40-41 ) have nothing to do with the Dharmasūtrakāras. The word 'brahmacariyam' does not mean in Pāli books the life of a Vedic student, but only a pure moral life here ( that was to be led by a student in brahmanical society ). But the words quoted from the Dīgha are just like the words quoted by me above from the Mahābhārata ( Śānti 130. 29 ). My own idea is ( whatever the date of Śaṅkha-likhita as writers may be ) that the Pāli story is based on the story in the Mahābhārata. It is not unlikely that the two had led or emphasized an excellent moral life. Thereafter, the redactors of the Mahābhārata included them in a story in the Śāntiparva and the Pāli

132a न शङ्खलिखितां वृत्तिं शक्यमास्थाय जीवितुम् । विशेषतः कुरुश्रेष्ठ प्रजापालन-मीप्सया ॥ The word Śaṅkha means also 'forehead' and 'likhita' means 'written'. It was believed that Brahmā writes on the forehead of a child ( on the sixth day after birth ) the child's future; compare the verse : यद्वात्रा निजभालपट्टलिखितं स्तोके महद्वा धनं तत्प्राप्नोति मरुस्थलेऽपि नितरां भेरौ ततो नाधिकम् । ' Śaṅkhalikhitavṛtti would mean the conduct of the two brothers viz. extreme devotion to the rules of honesty and the like. The verse has also another meaning and asks the king not to rely on *daiva* if he desires to protect the subjects.

writers included the gist of that story in their works. Just as it is difficult to assign a definite date to the Mahābhārata, so also it is impossible or at least as difficult to say (there being no reliable evidence) that all the Nikāyas existed in writing before Aśoka. Yājñavalkya (I. 5) mentions Śaṅkha-Likhita among the writers on dharmaśāstra. The Parāśara-smṛti says (I. 24) that in the four ages of Kṛta, Tretā, Dvāpara and Kali, the ordinances of Manu, Gautama, Śaṅkha-Likhita and Parāśara are respectively of paramount authority in matters of *dharma*. Viśvarūpa (on Yāj. III. 248) quotes a verse from an ancient author which says that Śaṅkha and Likhita pondered deeply over the *dharma* promulgated to the sages by Manu and drew upon the Veda<sup>133</sup> also. From the gist of the passages of Śaṅkha-Likhita quoted by Viśvarūpa and the words 'Pratijñātārthavirodhaḥ syāt' it appears to have been the view of Viśvarūpa that the verse quoted was the first verse (or one of several verses at the beginning) of the sūtra of Śaṅkha-Likhita. The word 'Manu-bhāṣitam' in note 133 was either introduced by some redactor at a later date or the word does not refer to the extant Manu, but to some earlier version of it. Commentators and *nibandhakāras* from Viśvarūpa downwards profusely quote Śaṅkha-Likhita. A considerable portion of these quotations is in prose. Hence it is quite clear that the dharma-sūtra of Śaṅkha-Likhita is an ancient one, that it was largely if not entirely in prose and that it was once easily accessible though it has not yet been discovered. In the Annals of the Bhandarkar Oriental Research Institute (vol. VII-VIII) I made an attempt at a reconstruction of Śaṅkha-Likhita.

Jivananda (collection of smṛtis, part II, pp. 343-374) prints in 18 chapters and about 330 verses a smṛti of Śaṅkha and a smṛti of Likhita in about 93 verses (part II., pp. 375-382). The Ānandāśrama collection also prints the same text of the two smṛtis. The latter also contains a Laghu-Śaṅkha-smṛti in 71 verses and a Śaṅkha-Likhita-smṛti in 32 verses. All these, except perhaps the Śaṅkha-smṛti in 18 chapters, are late compilations. The smṛti in 18 chapters seems to have been compiled very early. About fifty verses from it are quo-

133 समीक्ष्य निपुणं धर्ममृषिभ्यो मनुभाषितम् । आम्नायात्सम्यगुद्धृत्य लिखितस्तथा ॥



ted by the *Mitākṣarā*. In the 11th and 12th chapters occur a few prose passages, one of which is quoted even by *Medhātithi*. The numerous prose quotations ascribed to *Śaṅkha-Likhita* do not however occur in these *smṛtis*. One point deserves special notice. Comparatively early writers sometimes ascribe the same text to *Śaṅkha-Likhita* or to *Śaṅkha* simply. The well-known sūtra about succession to a sonless man (*athāputrasya svaryātasya bhrātrgāmi dravyam &c.*) is ascribed to *Śaṅkha* by *Viśvarūpa* and the *Mitākṣarā*, but to *Śaṅkha-Likhita* by *Aparārka* (on *Yāj. II. 135-136*). Similarly, the sūtra '*pitaryāśakte kuṭumbavyavahārān jyeṣṭhaḥ*' &c. is ascribed to *Śaṅkha* by *Aparārka* and to *Śaṅkha-Likhita* by the *Vivāda-ratnākara*, *Dāyatattva* and *Madana-pārijāta*. Quotations ascribed to *Likhita* are few and far between. Some passages are ascribed by some writers to *Śaṅkha* and by others to *Likhita*. For example, a prose passage '*Uddhṛtya parīkṣitābhiḥ*' &c. is ascribed to *Likhita* by *Aparārka* (on *Yāj. I. 18*) and to *Śaṅkha* by *Viśvarūpa* (on *Yāj. I. 20* and by the *Vīramitrodaya* (*Āhnikaprakāśa* p. 68). Similarly, the sūtra '*ubhābhyāmāpi hastābhyām prāṇmukho devatīrthena kuryāt*' is ascribed to *Śaṅkha-Likhita* by the *Pārāśaramādhaviya* (I. 1. p. 352) and to *Likhita* by *Aparārka* (on *Yāj. I. 101*). The relation of the *Śaṅkha-smṛti* in verse to the *dharmasūtra* of *Śaṅkha* seems to be this. The former is based upon the latter and is a versified paraphrase or adaptation of portions of the *dharmasūtra*.<sup>134</sup>

The versified *Śaṅkha* shows a tendency towards greater strictness. The *dharmasūtra* allows a *Brāhmaṇa* to marry a woman of any of the four castes, while the verse *Śaṅkha* restricts him to the first three castes.<sup>135</sup> It is not unlikely that the *dharmasūtra* contained a few verses as is the case with *Baudhāyana*, *Āpastamba* and *Vasiṣṭha*. Even so early a

134 Compare उद्धृत्य परिपूनाभिरद्विरिवोक्षिताभिरक्षाराभिरनधिधृताभिरफेनाभिर-  
बुद्धुदाभिः (quoted as *Śaṅkha's* by the वीर०, आह्निकप्रकाश, p. 68) with  
शङ्खस्मृति 9. 6 'अद्भिः समुताद्भिस्तु हीनाभिः फेनबुद्बुदैः । वह्निना चाप्य-  
दग्धाभिरङ्गुलीभिरुपस्पृशेत् ॥'

135 The दायभाग (ed. of 1829, p. 210) quotes 'भार्याः कार्याः स्वजातिप्रो-  
धेयस्यः सर्वेषां स्युरिति पूर्वकल्पः । ततोनुकल्पश्चतस्रो ब्राह्मणस्यानुपूर्व्येण',  
शङ्खस्मृति (4. 7) says 'ब्राह्मणी क्षत्रिया वद्व्या ब्राह्मणस्य प्रकीर्तिता ॥'

writer as Viśvarūpa looked upon the prose and verse portions as the composition of the same author ( vide his comment on Yāj. III 237, and Aparārka pp. 1149, 1154, 1161 ).

The dharmasūtra of Śaṅkha-Likhita was commented upon early. Lakṣmīdhara in his Kalpataru ( Ghose's Hindu Law vol. II. p. 504 ) draws attention to the fact that the *bhāṣyakāra* of Śaṅkha read a well-known sūtra as 'sa yadyekah syāt' instead of 'sa yadyekaputraḥ syāt.' Vide Kalpataru ( vyavahārakāṇḍa ) p. 654 ( sa yadyekaputraḥ syāt ) and f. n. 6. Lakṣmīdhara flourished between 1100-1160 A. D. as he was a minister of Govindacandra of Kanauj. The Vivādaratnākara ( 1314 A. D. ) also cites the *bhāṣyakāra* of Śaṅkha-Likhita. The Vivādacintāmaṇi ( p. 67 ) quotes from the *bhāṣyakāra* of Śaṅkha-Likhita.

The dharmasūtra of Śaṅkha-Likhita would appear, from the quotations in the *nibandhas*, to have closely resembled the other extant sūtras on dharma in style and contents. It embraced almost all the topics treated of in Gautama or Āpastamba. It agrees very closely with the words of Gautama and Baudhāyana in several places.<sup>136</sup> It is curious to note that a quotation from Śaṅkha containing the names of writers of smṛtis cites Śaṅkha-Likhita as authority.<sup>137</sup>

The dharmasūtra seems to have permitted *niyoga*, speaks of twelve secondary sons, and did not favour ( like Āpastamba ) the claims of females to succeed to males. On certain points the dharmasūtra of Śaṅkha marks a more advanced state of opinion than is the case with Gautama or Āpastamba. Śaṅkha speaks of several kinds of ordeals and appears to have contained elaborate prose rules about them ( vide Aparārka on Yāj. II, 95 ; Smṛticandrikā II, p. 112, Vīramitrodaya, p. 270 ). As regards partition and inheritance,

136 Compare ' नाब्राह्मणोतिथिर्ब्राह्मणस्य ' ( quoted in वीर०, आह्निक०, p. 452 ) with गौ. ध. सू. 5. 39-42 ; ' दन्तवदन्तलम्बेषु ' ( quoted by अपरार्क on याज्ञ. I. 195 ) with गौ. ध. सू. I. 41-43 ; ' न तिष्ठन्न प्रणतो नाङ्गुलीभिः ' ( चतुर्वर्ग० III. I, p. 977 ) with बौ. ध. सू. I. 5. 15.

137 ' स्मृतिर्धर्मशास्त्राणि तेषां प्रणेताः मनुयमदक्षविष्ण्वङ्गिरोबृहस्पत्युशनआपस्तम्ब-  
गौतमसंवर्तात्रिहारीतकात्यायनशङ्खलिखितपराशरव्यासशातातपप्रचेतोयाश्वल्क्य-  
दयः । ' quoted in चतुर्वर्ग. I. p. 527 ; वीर० परिभाषा० p. 18 and  
स्मृतिच. ( आह्निक p. 1 ).



Śaṅkha-Likhita gives more detailed information than Āpastamba or Baudhāyana. The limits of Āryāvarta<sup>138</sup> stretched over wide areas according to Śaṅkha (i. e. to the east of Sindhu-Sauvīra and to the west of Kāmpilya) than is the case with Baudhāyana (I. 1. 25) or Vasīṣṭha (I. 8-9). The style of Śaṅkha reminds one of Kauṭilya rather than of Gautama. The quotations hardly exhibit any ungrammatical forms. It is noteworthy that Yājñavalkya is included among the authors of smṛtis by Śaṅkha (vide note 137). If it is the extant Yājñavalkya-smṛti that is meant to be referred to, then the dharmasūtra of Śaṅkha will have to be assigned to a late date. But this does not seem to be likely. From the fact that the Yājñavalkya-smṛti itself enumerates Śaṅkha-Likhita among ancient authors on *dharma*, from the general style of the work, from the development of the legal conceptions it presents and from its doctrines about the rights of women, it appears almost certain that the extant Yājñavalkya-smṛti is much later than the dharmasūtra of Śaṅkha. There are close correspondences between Śaṅkha and Yājñavalkya.<sup>139</sup> Śaṅkha is quoted 99 times and Śaṅkha-Likhita 63 times by Aparārka. On Yāj. III. 289-90 (p. 1154) Aparārka first quotes Śaṅkha as 'Agnyuṣādi saṁvatsaram Cāndrāyaṇam cared-gām ca dadyāt' and five lines afterwards quotes Śaṅkha-Likhita with the words 'Agnyuṣādi mithyādhīti ca saṁvatsaram brāhmaṇagrheṣu bhaikṣyam caretām'. Kalpataru (Brahmacāri) quotes Śaṅkha-Likhita 36 times, and Śaṅkha 19 times. From the fact that Śaṅkha-Likhita is quoted as including Śaṅkha-Likhita among writers on Dharmaśāstras it may be inferred that the original text was tampered with by some redactor. Kalpataru on Vyavahāra (pp. 830-31) cites a long prose passage of Śaṅkha-Likhita on the proper avocations of the men of eleven mixed castes viz.

138 'देश आर्यो गुणवान् ... प्राक् सिन्धुसौवीरादक्षिणेन हिमवतः पश्चात्काम्पिल्या उदक् पारियात्रादनवयं ब्रह्मवर्चसम्।' quoted in वीर०, परिभाषा०, p. 57.

139 compare 'षष्ठेष्टमे वा सीमन्तः' शङ्ख quoted in चतुर्वर्ग० III. 2., p. 734 with याज्ञ. I. 11; 'चूडाकर्म यथाकुलम्' शङ्ख (quoted in चतुर्वर्ग० III. 2., p. 743) with याज्ञ. I. 12; 'दारानाहरेत्सदृशानसमानार्षेयानसर्वान्धानासत्तमपञ्चमात् पितृमातृबन्धुभ्यः' शङ्ख (quoted in उज्ज्वला on अमर०, ध. सू. II. 5. 11. 16) with याज्ञ० I. 53.

Sūta, Kṣatṛ, Māgadha, Ambaṣṭha, Vaidehaka, Ugra, Vena, Kukkuṭa, Āyogava, Pulkasa and Niṣāda (compare Viṣṇu-dharmasūtra 16. 7-13 and Manu X. 47-50) and on p. 833 cites the avocations of Caṇḍāla, Śvapaca, dasyu and mleccha gaṇas.

The prose quotations from Śaṅkha-Likhita refer to the Vedāṅgas, Sāṅkhya, Yoga, Dharmaśāstra. Śaṅkha recognised eight forms of marriage. The views of Śaṅkha about the status of the offspring of mixed marriages differed from those of Baudhāyana (I. 8. 6) and Manu (X. 6) and were intermediate between the latter two.<sup>140</sup> The *tarpaṇa*<sup>141</sup> (which resembles the one in Baudhāyana, though it is more elaborate) refers to the six Vedāṅgas, Bhārata (but not Mahā-bhārata), to twenty writers on *dharma* and contains numerous details about geography, mythology, and cosmogony which are generally found in the Purāṇas. The dharmasūtra frequently cites the opinions of others. It mentions by name the views of Prajāpati, Āṅgīrasa and Uśanas (Vivādaratnākara p. 537), Prācetasā (Vivādarat. p. 557-560), Vṛddha-Gautama (Madana-pārijāta pp. 701-2). The verse quotations ascribed to Śaṅkha further mention Yama, Kātyāyana and Śaṅkha himself. But in drawing chronological conclusions it is better to leave the verse quotations out of account. The same verses are ascribed to Manu and Śaṅkha<sup>142</sup> and a few sūtras closely resemble the Manusmṛti.<sup>143</sup> Six identical verses occur in the Vasīṣṭha-dharmasūtra (21. 10-15) and in the Śaṅkha-smṛti (10th chap.).

All these circumstances lead to the conclusion that the dharmasūtra of Śaṅkha is probably later than Gautama and Āpastamba but earlier than the Yājñavalkya-smṛti and so must be assigned to some date between 300 B. C. to 100 A. D.

140 'ब्राह्मणेन क्षत्रियायामुत्पन्नो क्षत्रिय एव भवति' शङ्ख quoted in मिताक्षरा on Yaj. I. 91.

141 *Vide* चतुर्वर्ग० III. I. pp. 950-955 and वीर०, आह्निक, p. 356. ff. for तर्पण.

142 The verse गर्भाष्टमे वै कुर्वीत in चतुर्वर्ग० III. I. 112 is मनु. 2. 36; 'भृत्काव्यापको यस्तु स उपाध्याय उच्यते' quoted in स्मृतिच० I, p. 34. is मनु II. 141.

143 'इष्टुं गृह्णाति राजन्या प्रतोदं वैश्या दशान्तं शूद्रा' quoted in परा. मा. 1. 2. 2, p. 98. Compare मनु 3. 44.





### 13. *Mānavadharmasūtra—Did it exist?*

Following the orthodox view of Western Sanskrit scholars that most of the dharmasūtras are older than almost all, if not all, the metrical smṛtis, I gave the first place of honour to the dharmasūtras of Gautama and others. But my own views differ to a great extent from those of the orthodox school of Sanskritists represented by Max Müller and Bühler. It is high time to state here my views about the existence of a Mānava-dharma-sūtra supposed to be the original of our extant Manu.

Some western scholars, particularly Max Müller and Weber, started the ingenious theory that the extant Manusmṛti was a recast or remodelling of an ancient Mānavadharmasūtra. Max Müller went so far as to enunciate the bold generalisation "There can be no doubt, however, that all the genuine dharma-śāstras which we possess now, are *without any exception*, nothing but more modern texts of earlier sūtra works on *kuladharmas* belonging originally to certain Vedic carāṇas" (H. A. S. L. pp. 134-135). For this sweeping generalisation there were very few data when it was made, as is admitted by Bühler. This theory of Max Müller was as hasty, as unfounded and as uncritical as several other theories of his such as that about the renaissance of Sanskrit Literature in the early centuries of the Christian era, about the absence of the art of writing in India before Pāṇini and about the uniform employment of the śloka for literary purposes in his so-called sūtra period and earlier. Western Scholars had to give up such theories before the stern logic of facts, but they have tenaciously clung to the theory about the Manusmṛti being a recast of the Mānavadharmasūtra. One of the main planks of Max Müller's edifice was the now exploded theory about the non-employment of the *anuṣṭubh* during the sūtra period (which he tentatively placed between 600 B. C.—200 B. C.) for continuous composition. In spite of the fact that one of the main planks has totally collapsed Bühler makes strenuous efforts to rehabilitate Max Müller's theory by additional *a priori* arguments (S. B. E. vol. 25, pp. XVIII-XXIII and XXXI-XXXIX). The main points brought forward by Bühler are:—(I) The Vasistha Dh. S. (IV. 543) contains four sūtras, the first of which is 'The Mānava says that one may kill an animal only in honouring the Manes, gods

and guests'. There follow two verses and a passage in prose with *iti* at the end. Bühler argues that all the four sūtras are quotations and as the extant Manusmṛti is in verse, they must be regarded as taken from the Mānavadharmasūtra. (II) There are other quotations in Vasistha attributed to Manu which either contradict the present Manusmṛti or have no counterpart in the latter. Bühler draws special attention to the fact that Vasistha (19, 37) quotes a Mānava śloka which is not in the anuṣṭubh metre and which has nothing corresponding to it in the extant Manusmṛti. (III) A fragment of Uśanas quotes an opinion of Manu about impurity, which is in prose.<sup>144</sup> Bühler himself points out that here one ms. reads 'Sumantuḥ' for 'Manuḥ'. Therefore, this argument is of very little use in establishing the existence of a Mānavadharmasūtra. Besides, it is possible that the mutilated passage is not a quotation at all, but a mere summary of Manu's views. There is no 'iti' at the end to show that it is a quotation. (IV) Kāmandakīya-nītisāra (II. 3) says that according to the Mānavas the *vidyās* to be studied by a king are three, viz. the three Vedas, Vārtā, and Daṇḍanīti and that what is called Ānvīksikī is but a branch of *trayī*; while the Manusmṛti (7. 43) appear to regard the four as distinct *vidyās*.<sup>145</sup> Kāmandaka (XI. 67) says that Manu prescribed that the council of ministers should consist of twelve,<sup>146</sup> while Manu (7. 54) says that the 'sacivas' should be seven or eight. Bühler therefore argues that Kāmandaka has in mind the Mānavadharmasūtra and

144 In No. 644 of Viśrāmbāg (1) in the Deccan College there is a fragment of Uśanas where we read उपस्पृश्य ... (gap) मनुराह । बाले देशान्तरस्थे चान्निके वीराध्वाने (?) अनाशकेभिप्रवेशे युद्धहते च सद्यः शौचम्. The words बाले देशान्तरस्थे occur in Manu 5. 78 in the same connection. For the rest, compare Manu 5. 93 and 95. We must probably read देशान्तरस्थे च साम्निके. No. 191 of A 1881-82 is another fragment of Uśanas which contains the same passage. Bühler's mss. read सद्यः शौचानष्टपतिताभितनिन्दिताचारैर्न सह संवसेत् and he proposes शौचमिष्टमिति.

145 The words of the मनुस्मृति are : अविद्येभ्यस्त्रयीं विद्यां दण्डनीतिं च शाश्वतीम् । आन्वीक्षिकीं चात्मविद्यां वार्तारम्भांश्च लोकतः ॥

146 कामन्दक says 'द्वादशेति मनुः प्राह षोडशेति बृहस्पतिः । उशाना मन्त्रिणा मन्त्रिमण्डलम् ॥'



not the Manusmṛti and on the word 'Mānavāḥ' makes the following observations 'It is a very common practice of Indian authors to refer in this manner to the books restricted to special schools. But I know of no case where the doctrines of the Mānavadharmasāstra or of any other work, which is destined for all Aryans and acknowledged as authoritative by all, are cited in the same or similar way' (S. B. E. vol. 25, p. XXXVIII). In the first place it has to be noted that Kāmandaka is only paraphrasing the words of Kauṭilya in the above two places.<sup>147</sup> Further, it is noteworthy that Kāmandaka employs the word 'Manuḥ' while Kauṭilya uses the word 'Mānavāḥ' (about the number of ministers). Therefore, according to the Kāmandakīyanītisāra there was no difference between the two, viz. the words 'Manuḥ' and 'Mānavāḥ' denoted the same thing, a work. What Bühler means by his emphasis on the word 'Mānavāḥ' is not quite clear. Early writers like Kumārila and Viśvarūpa employ the word 'Mānavam' with reference to the Manusmṛti just as they use the word Vāsiṣṭham to denote the Vāsiṣṭhadharmasūtra (vide Tantra-vārtika pp. 167, 194 and Viśvarūpa on Yāj. III. 245 and 257). Śaṅkara in his bhāṣya on Br. Upaniṣad I. 4. 17 applies the word 'Mānava' to the Manusmṛti 'Mānave ca sarvā pravṛttiḥ kāmahetukyeveti' (referring to Manu II. 4). Besides, there is hardly any conflict between the views of the Mānavas and the Manusmṛti on the point of the number of the *vidyās*. The Mānavas knew that Ānvikṣikī was counted as a fourth *vidyā* but said that it was really comprehended in the study of the Vedas. The Manusmṛti only lays down from whom the *vidyās* were to be learnt. As regards the number of ministers, we cannot afford to forget that the Manusmṛti (7. 60) allows more ministers than seven or eight. Another explanation also is possible. In the final remodelling of the Manusmṛti from its original in verse it is not unlikely that a few changes were made. (V) On the strength of the preservation of the complete set of the sūtra works of Āpastamba on śrauta, grhya and dharma (also of Baudhāyana and Hiraṇyakeśin), it is urged that the Mānava *carana* had a sūtra on dharma. The Mānavaśrautasūtra (parts 1-5 edited by Dr. Knauer and the *chayana* by Miss Gelder at Leipzig in 1921)

147 'त्रयी वार्ता दण्डनीतिश्चेति मानवाः । त्रयीविशेषो ह्यान्वीक्षिकीति' कौटिल्य 1, 2; 'मन्त्रिपरिषदं द्वादशमात्यान् कुर्वीतेति मानवाः षोडशेति बार्हस्पत्यः विंशतिमित्यौशनसाः' कौटिल्य I. 15.

and the *Mānava-gr̥hyasūtra* (edited by Dr. Knauer in 1897 and recently in the Gaikwad Oriental Series) are extant. Bühler admits (S. B. E. vol. 25, p. XXXVIII) that the main pillars of his arguments are the quotations ascribed to Manu in the *Vasiṣṭhadharmasūtra*.

The four *sūtras* of *Vasiṣṭha* (IV. 5-8) which are the sheet anchor of Bühler's argument have been dealt with above under *Vasiṣṭha* (pp. 102 ff). If, as Bühler says, the four *sūtras* are one quotation, since 'iti' occurs at the end of the 8th *sūtra*, then we have here a quotation within a quotation, as 'iti' occurs also in *sūtra* 5. But this would be absurd. Besides, *sūtra* 8 is really summarised from some *Brāhmaṇa* passage as indicated above. The proper construction of the four *sūtras* is as follows:— The fifth *sūtra* merely summarises the views of the *Manusmṛti* to be gathered from Manu V. 41 and 48. The word '*Mānavam*' stands for the *Manusmṛti* just as it does in the *Tantravārtika* and in *Viśvarūpa*. Then the two verses of Manu are quoted. In the 8th *sūtra* a *Brāhmaṇa* passage is cited in support of the position that sacrificing an animal is not 'killing' (that leads to sin).

As regards the few quotations which cannot be found in the extant *Manusmṛti* the following points deserve consideration. The *Vasiṣṭhadharmasūtra* contains numerous verses identical with those of the *Manusmṛti*. Most of the quotations attributed to Manu are found in the *Manusmṛti*. Hence even if a few quotations are not found in our Manu, we cannot at once jump to the conclusion that *Vasiṣṭha* had before him not the *Manusmṛti*, but the *Mānavadharmasūtra*. Besides, Bühler is not right in saying that *Vasiṣṭha* 11. 23, 12. 16 and 23. 43 either contradict or find no counterpart in our Manu (S. B. E. vol. 25, p. XXXIV). *Vasiṣṭha* 11. 23 corresponds with Manu 3. 245-246.<sup>148</sup> None

148 'प्राक्संस्कारात्प्रमीतानां स्ववश्यानामिति स्थितिः । भागधेयं मनुः प्राह उच्छिष्टो-  
च्छेषणे उभे ॥ वसिष्ठ 11. 23. Should we not read स्ववश्यानाम्, which  
would correspond to the word दासवर्ग in Manu? मनु reads 'असं-  
स्कृतप्रमीतानां त्यागिनां कुलयोषिताम् । उच्छिष्टं भागधेयं स्याद् दर्भेषु  
विकिरश्च यः ॥ उच्छेषणं भूमिगतमजिह्वास्याशठस्य च । दासवर्गस्य तत्पित्र्ये  
भागधेयं प्रचक्षते ॥' 3. 245-246. The close correspondence between  
Vas. and Manu in ideas and phraseology should be specially  
marked.

of the three contradicts anything contained in the Manusmṛti. Vasīṣṭha 23. 43 (about Śisukṛechra) has nothing corresponding to it word for word in our Manu, but it seems to be an echo of Manu 11. 211.<sup>149</sup> In Vasīṣṭha 12. 16 (paryagnikaraṇaṁ hy-etan-manurāha Prajāpatiḥ) there is nothing that contradicts our Manu; that half and the preceding verses bear a close correspondence to Baudhāyana Dh. S. I. 4. 2. Similarly, Bühler's argument about Mānava śloka in the Triṣṭubh metre is not quite sound. The text of Vasīṣṭha is far from satisfactory. On the non-occurrence of that verse or a corresponding śloka in our Manu no superstructure can be built. Vasīṣṭha quotes (4. 37) a sūtra or opinion of Gautama which is not found in the extant Gautamadharmasūtra. Verses ascribed to Vasīṣṭha in the nibandhas are not found in the printed text of Vasīṣṭha.

The analogy of the works of the schools of Āpastamba and others can furnish no proof. There are on the other hand weighty grounds for discarding that analogy altogether. It is a remarkable fact that excepting the three *caranas* (of the Black Yajurveda) of Āpastamba, Baudhāyana and Hiranyakeśin that arose and flourished in the southern portion of India, no *carana* of any of the other Vedas has an extant dharma-sūtra ascribed to the founder of the *sūtra-carana*. An explanation is suggested in the following lines. The Brāhmanas in southern India were in the very early days of their colonisation surrounded by an alien culture and by alien customs. It was necessary therefore to formulate distinctly the rules of general conduct for the Aryan community in

149 वसिष्ठ ( 23. 43 ) ' अहः प्रातरहर्नक्तमहरेकमयाचितम् । अहः पराकं तन्नैकमेवं चतुरहौ परौ ॥ अनुप्रहार्थं विप्राणां मनुर्धर्मभृतां वरः । बालवृद्धातुरेष्वेवं शिशुकृच्छ्रमुवाच ह ॥ ; मनु 11. 245 ' व्यहं प्रातरुयहं सायं व्यहमद्यादयाचितम् । व्यहं परं च नास्नीयात्प्राजापत्यं चरन् द्विजः ॥. It would be noticed that the शिशुकृच्छ्र comes to one-third of the प्राजापत्यकृच्छ्र, as the शिशुचान्द्रायण ( मनु. 11. 218 ) is a milder edition of the चान्द्रायण. The प्रायश्चित्त for minors and women was one-half or one-third of that for adult males ( vide बौ. ध. सू. II. 1. 51. and आङ्गिरसस्मृति verse 33 ); बौ. ध. सू. ( II. 1. 65 ) describes the four day's observance of the कृच्छ्र for women, minors, and old men. याज्ञ. III. 319 calls it पादकृच्छ्र.



southern India, that studied the Black Yajurveda. The same necessity did not exist in northern India, where the members of the *sūtracaraṇas* knew their ordinary every day duties very well, and were more or less a homogeneous community with the same ideals and culture. Therefore, in the beginning when manuals of Śrauta and Grhya ceremonies were first composed, it was not thought necessary to compose set treatises on *dharma* for each *carāṇa*. Some of the rules of conduct were embodied in the grhya sūtras because they were germane to the subjects treated of in them ( such as the duties of brahmacārins and householders, holidays etc. ). Works, however, dealing with the general usages prevalent among the Aryan community in various parts of northern India must have been composed early enough. When the knowledge of the existence of the complete set of the sūtra works in the Āpastamba and other *carāṇas* of the Yajurveda in southern India permeated to northern and central India, the leaders of the *carāṇas* cast about for works that would complete the works of their *carāṇas* and bring them in a line with those of Āpastamba and others. Therefore the various *carāṇas* seized upon several dharmasūtras and adopted them in their schools for study. This must have occurred at a comparatively early date. For Kumārila, as we saw above, enlightens us as to what dharmasūtras were specially studied in which Vedic schools. The fact that, though Gautama and Vasiṣṭha are said to have been specially studied by the students of the Sāmaveda and the Ṛgveda respectively, there is hardly anything in these dharmasūtras that specially connects them with the two Vedas affords some corroboration of the above hypothesis. This assimilation of independent dharmasūtras into individual *sūtracaraṇas* probably took place before or in the first centuries of the Christian era. Śabara ( on Jaimini I. 3. 4 ) seems to make fun of the dharmasūtras when he says that the direction to observe *brahmacarya* for forty-eight years was a device of those who wanted to hide their impotence ( Gautama 2. 52, Āp. Dh. S. I. 1. 2. 11-12, Baud. Dh. S. I. 2. 1 speak of *brahmacarya* for 48 years ). This shows that these dharmasūtras could not have been regarded as very authoritative by all early writers. Jaimini I. 3. 11 ( according to Śabara ) denies the independent authority of Kalpasūtras. It appears that the Mānava school, which according to the Caranavyūha was a sub-division of the Maitrāyaṇīya, dwindled in numbers very





early. Kumārila, who was a most learned and profound student of the various branches of Sanskrit literature, nowhere mentioned the *Mānavadharmasūtra* as studied by followers of the Black Yajurveda, though he mentions Baudhāyana and Āpastamba as studied by them. He places the *Manusmṛti* even higher than the *Gautamadharmasūtra* and betrays no knowledge of the existence of the *Mānavadharmasūtra*. Viśvarūpa who is generally identified with Sureśvara, the pupil of Śaṅkara, remarks that the *Mānavacarana* is not existent (or found).<sup>150</sup>

The foregoing discussion will, it is hoped, induce every impartial critic to endorse the conclusion that, on the materials so far available, the theory that the *Mānavadharmasūtra* once existed and that the extant *Manusmṛti* is a recast of that *sūtra* must be held not proved.

#### 14. The Arthaśāstra of Kauṭilya

There are three words in ancient Sanskrit Literature that are used very often in the same sense viz. *Arthaśāstra*, *Dandanīti* and *Rājaśāstra* or *Rājanīti* or *Rājanītiśāstra* or simply *Nītiśāstra*. The *Mahābhārata* descants on *Rājadharmā* in several *parvans*, as in *Sabhā* 5 (the chapter called *kaccit-praśna*), *Vanaparva* 150, *Uddyoga* (chap. 33-34). In *Sabhā* 5 one hundred verses occur on *Rājanīti*; for example, (verse 41 refers to 18 *tīrthas* (state dignitaries) tested by spies (as in *Kauṭ.* I. 12. 20), verse 47 refers to *amātyas* beyond the reach of *upadhās* (cf. *Kauṭ.* I. 10. 1 ff). The *Śāntiparva* devotes more than 100 chapters to *Rājadharmā* from chap. 56. *Śānti*, chap. 58 (1-4) names<sup>150a</sup> the

150 'न च मानवादिचरणोपलब्धिरस्ति' p. 18 of विश्वरूप's comment on आचार section.

150a एतत्ते राजधर्माणां नवनीतं युधिष्ठिर । बृहस्पतिर्हि भगवाञ्ज्यायं धर्मं प्रशंसति ॥ विशालाक्षश्च भगवान्काव्यश्चैव महातपाः । सहस्राक्षो महेन्द्रश्च तथा प्राचेतसो मनुः ॥ भरद्वाजश्च भगवांस्तथा गौरशिरा मुनिः । राजशास्त्रप्रणेता रो ब्रह्मज्ञा ब्रह्मवादिनः । रक्षमेव प्रशंसन्ति धर्मं धर्मभृतां वर ॥ शान्ति 58. 1-4 ; शान्ति 59. 29 states that Brahmā composed a treatise on dharma, artha and kāma in one hundred thousand chapters (59. 80); Śaṅkara, also called Viśālākṣa, shortened it and hence it was called *Vaiśālākṣa*.

( Continued on the next page )



expounders of Rājasastra (Rājasastrapranetārah), viz. Brhaspati, Viśālākṣa, Kāvya, Indra, Prācetasu Manu, Bhāradvāja, Gaurasīras. Rājanīti is called "Rājyatantra" in the Malila plate of king Dhruvasena II of the year 323 of Valabhi-Gupta era (i. e. 641-42 A. D.) in JOI. (Baroda), vol. X. No. 2 at p. 127. Rājanīti or Nītiśāstra is described as the nectar or quintessence of the ocean of Arthaśāstra in Kāmanadākīya Nītisāra (I. 6). Kauṭilya himself employs the word Rājanīti in V. 4. 3. Rājanīti (Government and Politics) is dealt with in Dharmaśāstras and smṛtis also (briefly or at length) as in Gaut. Dh. S. (X-XIII), Manu (VII-VIII), Yājñavalkya (I. 309-68 and II. 1-307). Dharmaśāstras deal with all aspects of society and therefore they deal with Rājadharma also. Daṇḍanīti is another name for the Śāstra which has to be considered. Daṇḍa literally means 'a stick or staff' of a tree for driving cattle (vide Rg. VII. 33. 6) but it came to mean also 'the power of control and punishment' i. e. it conveys the power of the king or supreme ruler called 'Daṇḍadhara' or 'Daṇḍadhāra' to dispense justice and to punish wrong-doers. The Gaut. <sup>1500</sup> Dh. S. (XI. 28) states that the word 'Daṇḍa' conveys the idea of controlling (or suppressing) and (the king) should keep under control (or suppress) those who do not control themselves i. e. Daṇḍanīti is the science of Government. Kauṭilya refers to it in the Arthaśāstra I. 3-4. The Śānti-

(Continued from the previous page)

(verse 82). Then Indra shortend it into five thousand chapters and it was called Bāhudantaka (verse 83), Brhaspati summarised it into 3000 chapters and called it Bārhaspatya (v. 84), then Kāvya shortened it into 1000 chap. (v. 85). Śānti 336. 38-46 repeats the topic of one lakh of verses on the whole of 'lokatantra' and that Manu Svāyambhuva, Uśanas and Brhaspati will propound the śāstra and spread it in the world.

150b दण्डो दमनादित्याहुस्तेनाशान्तान् दमयेत् । गौ. ध. सू. XI. 28 ; compare मत्स्यपुराण 225. 17 यस्माद्दण्डो दमयति अदण्डयान्दण्डयत्यपि । दमनादण्डनाच्चैव तस्मादण्डं विदुर्बुधाः ॥ and शान्ति 59, 78; नित्यमुद्यतदण्डः स्यान्नित्यं विवृतपौरुषः । अञ्छिद्रश्छिद्रदर्शी च परेषां विवरानुगः ॥ नित्यमुद्यतदण्डस्य भृशमुद्रिजते नरः । तस्मात्सर्वाणि भूतानि दण्डेनैव प्रसाधयेत् ॥ ... तस्माच्चतुष्टये तस्मिन्प्रधानो दण्ड इष्यते ॥ शान्ति 140. 7-9 ; compare रामायणे (अयोध्या०) कञ्चिज्जोग्रेण दण्डेन भृशमुद्रितप्रजम् । राष्ट्रं तवानुमन्त्रिणः केकयीसुत ॥ 100. 76



parva (in 59. 78) gives the derivation of the word 'Daṇḍanīti' (as 'Daṇḍena nīyate cedam daṇḍam nayati vā punaḥ | Daṇḍnītir-iti khyātā trīn lokān—abhivartate ||) and advises the king to be always ready with the rod of punishment. Manu has a grand apotheosis of 'Daṇḍa' (in VII. 14-31), some of the verses occurring in the Matsyapurāṇa chap. 225. The Daśakumāracarita (VIII) narrates that king Ananta-varmā, though endowed with all good qualities, did not feel much interest in Daṇḍanīti and states that ācārya Viṣṇugupta prepared a compendium of it for the Maurya (King). Here the Arthaśāstra of Kauṭilya is called Daṇḍanīti. The Nīti-sāra of Kāmandaka also follows (in II. 15) Gaut. Dh. S. in deriving the word *daṇḍa*, says that the power of punishment is vested in the king and that the rules that guide the king are called 'Daṇḍanīti'.<sup>150</sup> This means that the main purpose and province of Daṇḍanīti is to set out the functions of the State and deal with the administration of its different organs.

Arthaśāstra literally means the science of *artha*. Artha is one of the four puruṣārthas (Dharma, Artha, Kāma and Mokṣa). Manu (II. 224) refers to different views on the respective eminence of these. The Mahābhārata and the Smṛtis were well aware of the great part that *artha* (material well-being, wealth) played in men's lives. Wealth depended on land and labour. The Mahābhāṣya remarks "a country is called 'arthavān' which has cows and crops" (arthavān-ayam deśa ucyate yasmin gāvaḥ sasyāni ca vartante) on Vārtika 4 in Pāṇ. V. 2. 135 (Kielhorn's ed. Vol. II. p. 40). The Droṇaparva (7.1) speaks of Mānavī Arthavidyā and Vanaparva (35. 21) states that Manu declared Rājadharmas. Unless there existed some authority that regulated the people and their doings there would have been chaos and no security. Hence the ruler or the king was the most important institution in society and rules for the king's guidance were called Rājadharmas or Rājanīti. Arthaśāstra therefore came to be identified with Rājanītiśāstra (or simply Nītiśāstra). A special name (viz. Vārtā) was given to the three viz. agriculture, rearing cattle, trade and commerce (*vāṇijya*) including various arts. Vide Sabhāparva 5.83, Vanaparva

1500 दण्ड इति ख्यातस्तात्पर्यादण्डो महीपतिः । तस्य नीतिर्दण्डनीतिर्नयनार्थः ।  
तिरुच्यते । काम. II 15.

150. 30-31, Śāntiparva 59. 33, 68. 35, 268. 3. The epic says 'Vārtāmūlo hyayam lokastraiyyā vai dhāryate sadā' (Śānti 68. 35). The Rāmāyaṇa also (II. 100. 47) says 'this world when it resorts to Vārtā prospers happily (vārtāyām samśritastāta lokoyam sukhām-edhate)'. Kauṭilya makes it clear that Arthasāstra and Vārtā were distinct and yet Vārtā was a subject of study for the king; it was one of the three or four Rājavidyās (vide Arthasāstra I. 4. 4, Manu VII. 43).

Arthasāstra in its technical sense is somewhat wider in meaning than Daṇḍanīti and includes politics, economics, law and justice, but was narrower in scope than Dharmaśāstra. It was said to be an Upaveda of the Atharvaveda, according to the Viṣṇupurāṇa<sup>150d</sup> III. 6. 28, Vāyu 61. 79 and Brahmāṇḍa 35. 88-89. It is therefore stated by Yāj. (II. 21) that in case of conflict between Dharmaśāstra and Arthasāstra the former is stronger. The Mit. on Yāj. makes this clear (vide note below).<sup>150e</sup>

Mr. Ramakrishna Kavi first contributed a paper to J. V. O. I. (Tirupati) Vol. I. pp. 79-89 on Cākṣuṣīya Arthasāstra and in Vol. III. (pp. 99-116) published the text of that work in four *paṭalas*. In J. V. O. I. Vol. IV he contributed an Introduction (pp. 123-128) and notes on the sūtras (pp. 129-140 and in Vol. VI. pp. 129-140). The text of Cākṣuṣīya begins with a verse saying that it is possible for a single man (or in one birth) following the path of Nitisāstra to conquer the earth provided he has the necessary effort (or determination). The first sūtra is 'Now then I shall expound Arthasāstra which is the means of accomplishing the goals of human existence'. Then in 67 sūtras it enumerates the topics of Arthasāstra and covers almost the same topics as are found in Kauṭilya's Arthasāstra. A few sūtras (which are all brief) may be set out here by way of sample. (1) Sapta prakṛtayah; (2) Sapta-vidhā pravṛttili; (3) Sapta vyasanāni; (5) tisro vidyāḥ;

150d आयुर्वेदो धनुर्वेदो गान्धर्वश्चेति ते त्रयः । अर्थशास्त्रं चतुर्थं च विद्या अष्टादशैव ताः ॥ विष्णु पु. III. 6. 28; वायु 61. 79 (almost same words), quoted by Aparārka p. 6 and Kalpataru (Brahma) p. 22. Both quote from विष्णुपुराण. The word Upaveda occurs in Dronaparva 202. 76 and in Śānti. 167. 31.

150e धर्मशास्त्रान्तर्गतमेव राजनीतिलक्षणमर्थशास्त्रमिह विवक्षितम् । अर्थशास्त्रमर्थशास्त्रं स्मृत्योर्विरोधे अर्थशास्त्राद्धर्मशास्त्रं बलवदिति स्थितिर्मर्यादा । मिता. on यजुः ॥ २१ ॥



( 9 ) Śaṭ-trimśatguṇo rājā ; ( 10 ) Pañcaviṁsatiguṇosmātyaḥ ; ( 11 ) Śaḍviṁsatiguṇaḥ senāpatirīti ; and so on. The last sūtra is ' Dvividha ācāra iti tadyathā-daivo mānuṣaśceti '. The 2nd *pāṭala* begins ; ' atha sūtrārtham vartayisyāmaḥ ' ( we shall comment on the meaning of the sūtras ).

Mr. Kavi ( Vol. I. pp. 84 ff' ), relying on the name Cākṣuṣīya ( Cākṣuṣa was one of the first seven Manus acc. to Manusmṛti I. 62. ) and the close correspondence of certain sūtras of the Cākṣuṣīya with the sūtras in Arthaśāstra, holds that Kauṭilya borrows from the Cākṣuṣīya ( p. 82 of J. V. O. I. Vol. I ). This is quite wrong. The reality is just the opposite of this. It is ridiculous to hold that the erudite author of the Arthaśāstra had to borrow from a small beginner's primer for his work of vast extent. Besides, the extant Kauṭilya quotes several individual predecessors such as Kauṇapadanta, Piśuna, Bāhudantiputra, Bhāradvāja ( and once Kaṇiṅka Bh. ), Vātavyādhi and Viśālākṣa and a few schools such as the Āmbhīyas, Auśanasas, Pārāśaras, Bārhaspatyas and Mānavas, but nowhere mentions the Cākṣuṣīya. Moreover, while the Arthaśāstra of Kauṭilya or Cāṇakya or Viṣṇugupta is expressly named or quoted or referred to by numerous writers and works from at least the 3rd century A. D., such as the Tantrākhyāyikā, the Kāmasūtra, Kāmandakiyanītisāra, the Pañcatantra, Bāṇa, Daṇḍin, the Mudrārākṣasa, hardly any writer or work of the centuries from the 3rd to the 8th has been shown to have mentioned the Cākṣuṣīya. Some verses are quoted from the Cākṣuṣīya Arthaśāstra in an anthology called Sūktiratnākara ( vide J. B. O. R. S. Vol. XI. pp. 81-84 ). Mr. Ramkrishna Kavi ( in J. V. O. I. Vol. IV. p. 123 ) says that thirteen verses are quoted from Cākṣuṣīya in Sūktiratnākara, of which only eight are found in the mss. used by him.

This short primer for beginners in Arthaśāstra quotes a verse, a prose passage and sometimes several verses on most of the sūtras ( except on sūtras 36, 38, 43, 45, 51, 52, 55-64 ). The verses are often preceded by such words as ' atra ślokāḥ ', thereby intimating that they are quotations from some other work or works ; for example, on II. 2 it quotes nine verses which either closely agree with Manu or state the same ideas in similar words viz. Manu IX. 303-11 ; on II. 3 it says ' atra ślokāḥ, ' which closely agree with the extant Manu 50-51. On II. 21 the Cākṣuṣīya sets out a prose passage and

then a verse which is the same as Manu, ( VIII. 26 'ākārair-  
iṅgitair-gatyā ... .. manah' ). On II. 4 it quotes four  
verses, one of which has the half verse 'yadenam kṣamayā  
yuktam-aśaktam manyate janah' ( which is Udyogaparva  
33. 48 and Śānti. 160. 34 ). It is remarkable that at the end  
of the 2nd *pāṭala* ( on sūtra 24 ) it has a verse in Sragdharā  
metre. Mr. Kavi states that only one verse in the Cākṣuṣīya  
( IV. 64, that has nine verses in it ) occurs in Manu ( VII.  
105 ) but, as shown above, the Cākṣuṣīya quotes ( on II. 21 )  
Manu VIII. 26 and adapts several other verses of the Manu-  
smṛti with slight changes.

The publication of the Arthaśāstra of Kauṭilya was a  
great event and this work will have an abiding interest and  
value for all time. Dr. Jolly in his Introduction to his  
edition of the work described it as 'perhaps the most precious  
work in the whole range of Sanskrit Literature' ( p. 1 ).

It was first published in 1909 by Dr. R. Shama Sastri in  
the Mysore Sanskrit Series. In 1915 he published an English  
translation of the whole with an Introductory note by Dr.  
J. F. Fleet and a Preface dealing with its authenticity and  
age. Revised editions of the text were published by him in  
1919 and 1924 and his son published an edition of the text  
and translation in 1951. Another edition ( in two parts ) by  
Dr. Jolly and Dr. R. Schmidt was published in 1923 by  
Messrs Motilal Banarasidas of Lahore with an English Intro-  
duction of 47 pages and ( Vol. II ) with notes and a Sanskrit  
commentary called *Nayacandrikā* by Mādhavayajvan on a  
large part of the text ( i. e. from *adhikaraṇa* VII to XII ).  
M. M. T. Ganapati Sastri published the Arthaśāstra with his  
own commentary called *Śrīmūla* in 1924 in three parts.  
Recently Prof. R. P. Kangle edited the text prepared from all  
the available mss. material and the University of Bombay  
published it as the first volume of the text with a glossary  
( in 1960 ) and a second volume with an English translation  
and explanatory notes was published in 1963 and a third  
volume containing a study of the Arthaśāstra will soon  
follow. In this revised edition of the first volume of the H. of  
Dh. Prof. R. P. Kangle's edition of the text published in 1960  
has been used.

No complete commentary on the Arthaśāstra of Kauṭilya  
has yet been discovered. The commentaries so far discovered  
are fragmentary. They are as follows : ( 1 ) The Com. called



Pratipadapañcikā of Bhaṭṭa-svāmin on the 2nd Adhikaraṇa from the 8th Adhyāya to the 36th Adhyāya published in J. B. O. R. S. Vol. XI and XII, in all 214 pages. (2) The Nayacandrikā of Mādhava-yajvan published in Dr. Jolly's edition of the Arthaśāstra (1923), with an Introduction (pp. 1-47) in English; it begins in chapter 7th of the seventh adhikaraṇa (on śāḍguṇya) and breaks off in the 4th *adhyāya* of the 12th *adhikaraṇa*; (3) The com. Jayamaṅgalā is available only from the beginning (1st Adhikaraṇa) to end of Chap. 13. 1, a small part of which was published by Shri G. Harihara-Sastri in J. O. R. (Mad.) Vol. XXII. pp. 29-44 on chapters 9-14 of the first Adhikaraṇa. The author is probably the same as the author of the Jayamaṅgalā on the Kāmasūtra. (4) Nītinirṇīti of Yogghama; a small fragment discovered along with a *nāgarī* ms. of the text, by Muni Jinavijayaji at Patan, concerned with II. 1. 1 to II. 3 and opening of II. 4 and published by him in the Singhi Jain-granthamālā series (Bombay, 1959); <sup>150f</sup> (5) Bhāṣā-vyākhyāna in Malayalam. The commentary extends up to the 7th *adhikaraṇa* only. The com. on the first two adhikaraṇas was edited and published in 1930 (1st adhikaraṇa) and in 1938 (on 2nd adhikaraṇa) by Sambasiva Sastri and the com. on the 3rd adhikaraṇa was edited and published in 1945 by V. A. Ramaswami Sastri, all at Trivandrum. The Com. on adhikaraṇas 4-7 was edited by Shri K. N. Ezhuthachan and published by the University of Madras in 1960; (6) Cāṇakyaṭikā by Bhikṣu Prabhamati, a fragment, being edited by Mr. G. Harihara Sastri and published in the volumes of the Journal of Oriental Research, Madras, upto pp. 1-188; (7) Commentary called Śrīmūla on the whole of the Kauṭīliya by M. M. Ganapati Sastri, in which he utilizes the material afforded by all the commentaries available to him.

The first commentary, if it dealt with the whole of the Arthaśāstra, must have been very extensive, since the available com. on a portion of the 2nd Adhikaraṇa alone covers 214

150f A. II. 1. 3 about how a village is to be settled provides 'it should mostly have śūdra agriculturists, with a minimum of one hundred Kulas and a maximum of five hundred Kulas; Yogghama quotes a verse 'चुल्याधाने कुलं विद्यादित्याम्भीयाः प्रचक्षते । दम्पत्यं कुलमित्येकं हले त्वन्ये प्रचक्षते ॥'.



printed pages. That commentary quotes explanations of previous commentators in the words 'anye' and 'apare' and quotes several ślokas of Bṛhaspati on the blemishes of diamonds and on 'prakāśa-taskaras.' The *Nayacandrikā* also refers to the views of predecessors (vide pp. 35, 61, 62, 104, 115, 137, 191) and discusses various readings also (vide pp. 136, 183, 188, 193 &c). Yogghama's com. (at least of about the 12th century A. D.) cites the views of Āmbhīyas in a verse on p. 2.

Besides the English translations of the *Arthaśāstra* by Dr. Shama Shastri and Prof. Kangle, there is J. J. Meyer's German translation '*Das Altindische Buch von welt-und staatsleken das Arthaśāstra des Kauṭilya*' (Leipzig, 1925-26) and there is a Russian translation edited by Prof. V. I. Kalyanov (Leningrad, 1959). The *Arthaśāstra* has been translated into Hindi by several authors and there are translations in Bengali, Gujarati, the four south Indian languages and in Marathi (this last by Messrs. J. S. Karandikar and B. R. Hivargaonkar, 1927-29).

This work has given rise to frequent and furious controversies about its authorship, its authenticity and its age and it cannot be said that we have heard the last of this din of controversy. Moreover, this work has inspired, besides numerous articles in journals, several monographs, some of which have somewhat high-sounding titles, such as Narendranath Law's '*Studies in Ancient Indian Polity*,' Dr. P. Banerji's '*Public Administration in Ancient India*,' Ghosal's '*History of Hindu Political Theories*,' Majumdar's '*Corporate Life in Ancient India*,' Benoy Kumar Sarkar's '*Political Institutions and Theories of the Hindus*,' Jayasval's '*Hindu Polity*,' Prof. S. V. Visvanathan's '*International Law in Ancient India*' (1925). It is not possible to discuss at great length all the problems about Kauṭilya here. Only a brief statement can be attempted. For fuller study reference may be made to the following works and papers:—Hillebrandt's '*über das Kauṭilyaśāstra und Verwandtes*' (Breslau 1908), *Z D M G.* vol. 67, pp. 49-96 (Dr. Jolly), *Z D M G.* vol. 68, pp. 345-359 and vol. 69, p. 369 ff; *J R A S* 1916, pp. 130-137 (Prof. Keith), *I. A.* for 1918, pp. 157-161 and pp. 187-195 (Dr. Jacoby translated by Dr. Sukthankar); Dr. Kalidas Nag's '*Théories Diplomatiques de l'Inde ancienne et l'Arthaśāstra*'

( Paris 1923 ) and its translation in 'Journal of Indian History' vol. V; Dr. Otto Stein's 'Megasthenes und Kauṭilya' ( Vienna 1922 ), K. V. Rangasvami Ayyangar's lectures on Ancient Indian Polity ( Madras 1916 ), Dr. Winternitz in Calcutta Review 1924 and in his history of Indian Literature ( vol. III, pp. 509-524 ), I. A. for 1924, pp. 128-136 and 141-146 ( Dr. Jacobi translated by Prof. Utgikar ); Dr. Johann J. Meyer's 'Das altindische Buch vom Welt-und Staatsleben das Arthaśāstra des Kauṭilya' ( Leipzig, 1925 ) and Prof. N. C. Bandopadhyaya's exposition of the social ideal and political theory of Kauṭilya. The Indian Antiquary for 1925 ( pp. 175 and 201 ) gives an exhaustive bibliography on the date of Kauṭilya.

While the author was engaged in collecting materials and after the 1st volume of the H. of D. was published in 1930 a very large number of studies of the Kauṭilya and numerous articles on various matters connected with the Kauṭilya have been published. The present author has to confess that he has not read a good many of them. A short list of some of those studies and articles that he has read or consulted is set out here :

Among studies may be mentioned the following :—'Kauṭilya Studien' by B. Breloer, three volumes ( 1927-1934 ) ( in German ); D. R. Bhandarkar's 'Some aspects of ancient Hindu Polity' ( Benares 1929 ); Prof. Radhakumud Mookerji's 'Chandragupta Maurya and his times' ( Madras, 1943 ); 'Kauṭilya Studies' by Sten Konow ( Oslo, 1945 ); Prof. K. V. Rangaswami Aiyangar's 'Indian Cameralism' ( Madras 1949 ); 'Age of Imperial Unity' by Dr. R. C. Majumdar ( Bombay, 1951 ); 'Age of the Nandas and Mauryas' ed. by Prof. K. A. Nilakanta Sastri ( Benares 1952, particularly pp. 132-169 and pp. 190-201 ); 'L. Inde Classique' by Professors Renou and Filliozat, Tome II ( Paris, 1953 ); 'The Wonder that was India' by Prof. A. L. Basham ( London 1954 ); 'State and Government in Ancient India' by Dr. A. S. Altekar ( Benares, 1955 ); 'A History of Indian Political Ideas' by Prof. U. N. Ghoshal ( 3rd ed. Bombay, 1959 ); 'Studies in Kauṭilya' by M. V. Krishnarao ( 2nd ed. 1958 ); 'Studies in Hindu Political thought and its metaphysical foundations' by V. P. Varma ( Benares ).

Among articles and papers may be mentioned the following ; 'On the authenticity of the Kauṭilya' in I. A. vol. 47

(1918) pp. 157-161 and 187-195 ( Jacobi's remarks translated by Dr. Sukthankar ), I. A. Vol. 53 pp. 128-136 ( tr. by Prof. Utgikar ); ' Date of Kauṭilya ' by Prof. D. R. Bhandarkar ( ABORI Vol. VII pp. 65-84 ; ' The Latest work on Kauṭilya's Arthaśāstra ' by Prof. Edgerton ( JAOS 1928, pp. 289-322, a review of Meyer's tr. ); ' Two Studies in the Arthaśāstra of Kauṭilya ' by E. H. Johnston ( in JRAS for 1929 pp. 77-102 ); The date of K. A. by Dr. Prannath ( I. A. Vol. 60 pp. 109-112 and 121-23 ( puts it between 484-510, A. D. ); ' Geography of Kauṭilya ' by H. V. Trivedi ( ' Indian Culture ', Vol. I pp. 247-261 ); ' Place of the Arthaśāstra in the Literature of Indian Polity ' by Prof. K. A. Nilakanta Sastri ( ABORI, Vol. 28, 1947, pp. 34-95 ); ' Kauṭīliyan State, a welfare State ' by Dr. B. P. Sinha, JBORS Vol. 40, pp. 178-194 and ' the king in the Kauṭīlian State ' by the same author in same journal pp. 277-308 ; India Antiqua ( studies presented to Dr. J. P. Vogel ) pp. 136-145 ; Prof. U. N. Ghoshal on ' System of interstate relations and foreign policy in the early Arthaśāstra State ); ' Kingship and community ' in ' Early India ' by Charles Drekmeier ( Oxford University Press, Bombay 1962, particularly chapters 11-13 pp. 189-244 ).

The Kauṭīliya is the oldest extant work on Arthaśāstra. Though Arthaśāstra and Dharmaśāstra are often contradistinguished on account of the difference of the two śāstras in ideals and in the methods adopted to reach them, Arthaśāstra is really a branch of Dharmaśāstra as the former deals with the responsibilities of kings for whom rules are laid down in many treatises on *dharma*.<sup>151</sup> For this reason and the further reason that the Kauṭīliya contains two sections ( called dharmasthiya and kaṇṭakaśodhana ) on the administration of justice, the Arthaśāstra of Kauṭilya deserves careful consideration in this work. According to the Caranavyūha of Śaunaka, Arthaśāstra is an Upaveda of Atharvaveda. The purpose of this Śāstra as stated in the Kauṭīliya itself is ' to prescribe means for securing and preserving ( power over ) the earth. '<sup>152</sup> Yājñavalkya distinctly states ( II. 21 ) that in

151 ' धर्मशास्त्रान्तर्गतमेव राजनीतिलक्षणमर्थशास्त्रमिदं विवक्षितम् ' मिता • on Yāj. II. 21.

152 तस्याः पृथिव्या लाभपालनोपायः शास्त्रमर्थशास्त्रमिति । कौ. 15. 1. 2. So also the very first sentence is ' पृथिव्या लाभे पालने च यावन्त्यर्थशास्त्राणि प्राचीनचार्यैः प्रस्थापितानि प्रायशस्तानि संहृत्यैकमिदमर्थशास्त्रं कृतम् । '





acc. to Brhaspati. It is remarkable that the Vajra array referred to above is mentioned in K. X. 6. 35, that a śyena array is mentioned by Kauṭilya ( X. 6. 12 ), though not Krauñca and that an array called Śakata is mentioned in the Dronaparva 7. 24, which occurs in Kauṭilya also ( at X. 6. 26 ).

Śānti ( 69. 23-24 ) states that Brhaspati advises a wise king desirous of securing his kingdom to avoid war and to accomplish his object by the three *upāyas*, appeasement, offer of gift, or *bheda* ( sowing discord ) and to be satisfied with what he would be able to secure by the first three.<sup>154e</sup> Śāntiparvan ( 59. 59 ) states that, according to the Ācāryas, the vices ( *vyasanās* ) of kings are ten in all, either due to *Kopa* ( anger ) or to *Kāma* ( lust ).<sup>154f</sup> The first category consists of six vices, viz. *vākpārusya* ( harshness of speech ), *daṇḍapārusya* ( harshness due to physical punishment ), *arthadūṣaṇa* ( violation of property ) and three others ; the vices due to lust are four, viz. hunting, gambling, women and drinking. The Manusmṛiti ( in VII. 47-8 ) speaks of ten vices due to lust and eight vices due to anger. The Kauṭilya ( VIII. 3 ) reduces the vices due to lust to four and the vices due to anger to three only and holds a long discussion about the comparative harm caused by these. The word *Kaṇṭakaśodhana* ( suppression of criminals ) occurs in Śānti 59. 53. According to the view of Brhaspati, obtaining of wealth is secured in four ways viz. that due to *pāramparyā* ( inheritance from ancestors ), that due to good fortune, that due to one's ardent desire to acquire and that derived from a

154e वज्रीयं सदा युद्धं राज्यकामेन धीमता । उपायैस्त्रिभिरादानमर्थस्याह  
बृहस्पतिः ॥ सान्त्वेन तु प्रदानेन भेदेन च नराधिप । यदर्थं ( यमर्थ ? )  
शक्रुयात्प्राप्तुं तेन तुष्येत पण्डितः ॥ शान्ति. 69. 23-24.

न त्वयेदं श्रुतं राजन् यजगाद बृहस्पतिः । ... सर्वोपायैर्निहन्तव्याः शत्रवः  
शत्रुसूदन ॥ सभा. 74. 7-8.

154f क्रोधजानि तथोग्राणि कामजानि तथैव च । दशोक्तानि कुरुश्रेष्ठ व्यसनान्यत्र  
चैव ह ॥ मृगयाक्षास्तथा पानं स्त्रियश्च भरतर्षभ । कामजान्याहुराचार्याः  
प्रोक्तानीह स्वयंभुवा ॥ वाक्पारुष्यं तथोग्रत्वं दण्डपारुष्यमेव च । आत्मनो  
निग्रहस्त्यागो ह्यर्थदूषणमेव च ॥ शान्ति. 59. 59-61. Vide सभापर्व 69  
also for the four vices due to lust ; while Manu ( VII. 47 ) speaks of  
a group of vices due to lust but in verse 50 refers to the above four  
as the most harmful.





friend.<sup>154g</sup> In Sabhāparva (74. 7-8) Duryodhana tells his father that acc. to Brhaspati enemies should be killed by employing all kinds of means.

In the Vanaparva (32. 61) Draupadī says that her brothers were taught the Nīti of Brhaspati and in Vana. 150. 29 it is stated that men are supported by (or held to the right path) by rules promulgated by Brhaspati<sup>154h</sup> and Uśanas. In the Karṇaparva it is said that a certain Vyūha (array of army) was arranged according to the opinion of Brhaspati and Uśanas (31. 12-13). Vide Karṇaparva 46. 27 for Bārhaspatya Vyūha. Śalyaparva states that, acc. to Brhaspati's view, a king who is weak should desire to make peace (with a stronger one) or with his equal, while one who is growing in strength should desire conflict.<sup>154i</sup> Śānti (23. 15) quotes a *gāthā* of Brhaspati and in 56. 39 quotes a verse from Bārhaspatyaśāstra (both quoted in the note) to the effect that low people may disrespect a king who is always forbearing, just as the rider of an elephant desires to sit on the head of it.<sup>154j</sup> In Śāntiparva a verse is quoted from Brhaspati's work as recited by Marutta in the section on kings viz. 'that punishment should follow even in the case of a *guru* who has become conceited, who fails to distinguish between what is proper to be done or is improper and takes to a bad course of conduct'.<sup>154k</sup> Śānti (122. 11) speaks

154g चतुर्विधा ह्यर्थसिद्धिर्बृहस्पतिमतं यथा । पारम्पर्यं तथा दैवं काम्यं मैत्रमिति प्रभो ॥ शान्ति 170. 12.

154h बृहस्पत्युशनःप्रोक्तैर्नयैर्धारयन्ति मानवाः । वनपर्व 150. 29.

154i हीयमानेन वै सन्धिः पर्येष्टव्यः समेन वा । विग्रहो वर्धमानेन मतिरेषा बृहस्पतेः ॥ शत्यपर्व 4. 43; compare अर्थशास्त्र 'परस्माद्वीयमानः सन्दर्धित अभ्युच्यमानो विगृह्णीयात् । VII. 1. 13-14.

154j भूमिरेतौ निगिरति सर्पो बिलशयानिव । राजानं चाविरोद्धारं ब्राह्मणं चाप्रवासिनम् ॥ शान्ति 23. 15; क्षममाणं नृपं नित्यं नीचः परिभवेज्जनः । हस्तियन्ता गजस्येव शिर एवारुरुक्षति ॥ शान्ति. 56. 39.

154k मरुतेन हि राज्ञा वै गीतः श्लोकः पुरातनः । राजाधिकारे राजेन्द्र बृहस्पतिमते पुरा ॥ गुरोरप्यवलितस्य कार्यकार्यमजानतः । उत्पथप्रतिपन्नस्य दण्डे भवति शाश्वतः ॥ शान्ति. 57. 6-7. This verse occurs several times in the Epic, viz. in Udyogaparva 178. 47-48, Ādiparva 140. 54 and Śānti (140. 48). The last pāda in some of these presents different readings.

of a king as having studied the whole of Brhaspatimata and Ausanasaśāstra. Śānti 59. 51 refers to 'Saptāṅgarājya'; Manu IX. 294 and Kauṭilya ( VI. 1. 1 ) also mention the seven constituent elements.

Śāntiparva states that Brhaspati prescribed *Utthāna* ( effort, endeavour ) for kings and as the basis of rājadharmā and recites verses thereon.<sup>1541</sup> Kauṭilya also says that a king should bring about the acquisition of what is not gained ( Yoga ) and protection of what is obtained by effort ( *Utthānena Yogakṣemasādhanam*, I. 7. 1 ). Vide H. of Dh. Vol. II pp. 914-15, Vol. III pp. 588-589, Vol. V. pp. 1385-6 for a discussion of the meaning of *yogakṣema*.

The passages quoted above from different *parvans* of the Mahābhārata ( not only from Śāntiparva ) show that the author of the Mahābhārata had before him a treatise of Brhaspati on Arthasāstra, that it was extensive, contained verses and that it was divided into parts or chapters called 'Adhikāra' like 'adhikaraṇa' in Kauṭilya.

It may be noted that Aśvaghōṣa in his Buddhacarita ( I. 46 ) mentions the Rājāsāstras produced by Śukra, son of Bhṛgu and Brhaspati, son of Aṅgiras.<sup>154m</sup> Kālidāsa in Kumārasambhava ( III. 6 ) mentions the Nīti of Uśanas.

Brhaspati's Arthasāstra appears to have contained a legendary beginning that what Brhaspati, the preceptor of the Gods, taught Indra is contained in the treatise of Brhaspati.

1541 उत्थानं हि नरेन्द्राणां बृहस्पतिरभाषत । राजधर्मस्य तन्मूलं श्लोकांश्चात्र निबोध मे ॥ उत्थानेनामृतं लब्धमुत्थानेनासुरा हताः ॥ उत्थानेन महेन्द्रेण श्रेष्ठ्यं प्राप्तं दिवीह च । उत्थानवीरः पुरुषो वाग्वीरानधितिष्ठति । उत्थानवीरान्वाग्वीरा रमयन्त उपासते ॥ उत्थानहीनो राजा हि बुद्धिमानपि नित्यशः । प्रधर्षणीयः शत्रूणां भुजङ्ग इव निर्विषः । शान्ति 58. 13-18; compare कौटिल्य 'राजानमुत्थितमनूतिष्ठन्ते मृत्याः । प्रमाद्यन्तमनु प्रमायन्ति । कर्माणि चास्य भक्षयन्ति । द्विषद्विश्वातिसन्धीयते । तस्मादुत्थानमात्मनः कुर्वीत । ... राज्ञो हि व्रतमुत्थानं यज्ञः कार्यानुशासनम् । दक्षिणा वृत्तिसाम्यं तु दीक्षा तस्याभिषेचनम् ॥ तस्मान्नित्योत्थितो राजा कुर्यादर्थानुशासनम् । अर्थस्य मूलमुत्थानमनर्थस्य विपर्ययः ॥ अर्थशास्त्र I. 19. 1-5 and 33-35.

154m यद्वाजशास्त्रं भृगुरङ्गिरा वा न चक्रतुर्वशकरावृषी तौ । तयोः सुतौ ससर्जतुस्तत्कालेन शुक्रश्च बृहस्पतिश्च ॥ बुद्धचरित I. 46. ससर्जतुः literally mean created ( or produced )



The present Manusmṛti contains a similar assertion that Brahmā taught Manu and the latter taught it to Marīci, Bhṛgu and others ( Manu I. 35-36 and 58 ) and Bhṛgu at the order of Manu transmitted the Śāstra to the sages ( I. 60 and 119 ). Such fabulous accounts were introduced in ancient works to heighten the authority of the teaching. The Bārhaspatyas mentioned in the Arthasāstra were probably those who relied on the treatise of Bṛhaspati, and Kauṭilya differed from their teaching in I. 2. 4-5, V. 15. 48 ( they required that 16 persons constituted a council of Ministers ), II. 7. 13 ( those superintendents who caused loss of revenue should be fined ten times the loss ), in III. 11. 46 ( punishment for witnesses who lead to a wrong judgment ), III. 17. 13 ( on fine for him who instigated another to commit an offence ).

Uśanas is another ancient sage who appears to have composed a treatise on Arthasāstra. That Kāvya Uśanas was a sage of hoary antiquity even in Ṛgvedic times would be indicated below ( under Uśanas ). Several passages from Uśanas mentioned in the great Epic would be cited there. The Āśramavāsikaparva states that the Vyūhas called Śakata, Padma and Vajra have been declared in the Śāstra of Uśanas.<sup>154n</sup> The Vyūha called Śakata is mentioned in the Arthasāstra X. 6. 26 and Vajra in X. 6. 35. The Manusmṛti in VII. 187 mentions six Vyūhas viz. Daṇḍa, Śakata, Varāha, Makara, Sūci, Garuḍa, and in VII. 188 mentions Padmavyūha and Vajra in VII. 191.

It is clear that the author of the Mahābhārata had before him a treatise by Uśanas on Rājanīti, which went into such details as the names of certain Vyūhas. Manu ( VII. 146 and 151 ) provides that the king should hold in a secret place a meeting of the councillors and sets out the subjects on which the king has to hold counsel with them ( mantrins ) and one verse ( VII. 154 )<sup>154o</sup> refers to the eightfold actions of the king

154n अथोपपत्त्या शकटं पञ्चवज्रं ( पद्मं वज्रं ? ) च भारत । उशना वेद यच्छास्त्रं तत्रैतद्विहितं प्रभो ॥ आश्रमवासि० 7. 15.

154o मनु VII. 154 is : कृत्स्नं चाष्टविधं कर्म पञ्चवर्गं च तत्त्वतः । अनुरागापरागौ च प्रचारं मण्डलस्य च ॥ ; and कुल्लूक quotes two verses of उशनस् : अष्टविधं कर्म उशनसोक्तं यथा । आदाने च विसर्गे च तथा प्रैषनिषेधयोः । पञ्चवर्गं चार्थवचने व्यवहारस्य चेक्षणं । दण्डशुद्धौ तथा युक्त आत्मशुद्धौ तथैव च । अष्टकर्मा दिवं याति राजा शक्राभिपूजितः ॥ कल्पतरु ( on राजधर्म ) p. 108 ; these two are quoted by Medhātithi also on Manu VII. 15<sup>ghand</sup>

and the group of five kinds of spies and Kalpataru (on Rājadharmā p. 108) quotes two verses of Uśanas in which the eight are enumerated. Auśanasī-nīti is mentioned in the Mudrārākṣasa just before I. 15.

For Bhāradvāja vide below. Not only in the Mahābhārata but also in the Rāmāyaṇa there is a good deal of the principles and phraseology of Arthaśāstra. There is a chapter called Kaccit-praśna in the Rāmāyaṇa (Ayodhyākāṇḍa 100) just as there is one in Sabhāparva (chap. 5). We have 'adevamātrko deśaḥ' (Rām. Ayodhyā 100. 25 as in Kauṭīliya V. 2. 2 and VI. 1. 8). The same story of king Nṛga, who donated a Brāhmaṇa's cow by mistake and became a chameleon because he did not speedily deal with the dispute, is narrated in Anuśāsanaparva 6. 38 and Āśvamedhika-parva 90. 99-100 and in the Rāmāyaṇa, Uttarakāṇḍa, chap. 53. 6-26. Not only in the epics, but in some of the Purāṇas also Rājadharmā is treated at some length. For example, the Matsya Purāṇa devotes several chapters (225-229) to Rājadharmā that deal with the *sahāyas* of the king, the conduct of the king's servants, fortress and its equipments. Fate and human effort, the Upāyas, sāmā, dāna, bheda, danḍa; time for invasion etc.

From very early times, Viṣṇugupta alias Cāṇakya or Kauṭīliya has been credited with the composition of a work on Arthaśāstra. The Kāmandakīya-nīti-sāra<sup>155</sup> pays a glowing tribute of praise to Viṣṇugupta, who single-handed brought about the downfall of the Nandas and bestowed the earth on Candragupta by the force of his political strategy and who distilled from the ocean of Arthaśāstra the quintessence of (his work on) Nītiśāstra. Kāmandaka tells us further that he looked upon Viṣṇugupta as Guru.<sup>156</sup> The Tantrākhyā-

155 यस्याभिचारवज्रेण वज्रज्वलनतेजसः । पपात मूलतः श्रीमान् सुपर्वा नन्द-  
पर्वतः ॥ एकाकी मन्त्रशक्त्या यः शक्त्या शक्तिधरोपमः । आजहार नृचन्द्राय  
चन्द्रगुप्ताय मेदिनीम् ॥ नीतिशास्त्रामृतं धीमानर्थशास्त्रमहोदधेः । समुद्-  
दधे नमस्तस्मै विष्णुगुप्ताय वेधसे । काम. I. 4-6.

156 विद्याश्चतस्र एवैता इति नो गुरुदर्शनम् । काम० II. 6; compare I. 2. 8.



yikā ( the earliest version of the Pañcatantra ), which, according to Hertel ( H. O. S. ), is not later than 300 A. D., pays its homage to<sup>157</sup> Cāṇakya the great, as one of the authors of the treatises on Rājaśāstra along with Manu, Bṛhaspati, Śukra, Parāśara and his son. Daṇḍin in his Daśakumāracarita in several places and particularly in section VIII ( ed. of B. S. S. 1891 ) furnishes very important evidence of the names of the author of the Arthaśāstra and actually quotes several passages. Only a few are mentioned ( in the note ).<sup>158</sup> “ There are four lores for the King and then says ‘ Daṇḍanīti was summarised in 6000 Śloka units by the Ācārya Viṣṇugupta for the benefit of the Maurya king’. Then it refers to the ‘ forty ways of embezzlement indicated by Cāṇakya ’ ( i. e. Arthaśāstra II. 8. 20-21 ). It is clear from the Daśakumāracarita that Daṇḍin regarded Viṣṇugupta as the author of the Arthaśāstra and identified him with Cāṇakya.

157 मनवे वाचस्पतये शुक्राय पराशराय ससुताय । चाणक्याय च महते नमोस्तु नृपशास्त्रकर्तृभ्यः ॥ verse 2 of तन्त्राख्यायिका.

158 Important quotations from दशकुमारचरित ( pp. 258 ff. of the Nir.

ed. of 1951 ) are : ( 1 ) ननु चतस्रो राजविद्यास्त्रयी वार्तान्वीक्षिकी दण्डनीतिरिति । ... अधीन्व तावदण्डनीतिम् । इयमिदानीमाचार्यविष्णुगुप्तेन मौर्यार्थे षड्भिः श्लोकसहस्रैः संक्षिप्ता ।. Vide अर्थशास्त्र I. 1. 18 षट्श्लोकसहस्राणीति । ; ( 2 ) चत्वारिंशच्चानक्योपदिष्टानाहरणोपायान्० ; vide A. II. 8. 20-21 ; ( 3 ) सत्यमाह चाणक्यः । चित्तज्ञानानुवर्तिनोऽनर्था ( धर्मा ) अपि प्रियाः स्युः । दक्षिणा अपि तद्भावबहिष्कृता द्वेष्या भवेयुरिति । vide A. V. 4, verses 13-14. ( one half of each ) ; ( 4 ) राज्यं नाम शक्तित्रयायतम् । शक्तयश्च मन्त्रप्रभावोत्साहाः परस्परानुगृहीताः कृत्येषु क्रमन्ते । ... अतः पञ्चाङ्गमन्त्रमूलो ... द्विसप्ततिप्रकृतिपत्रः षड्गुणकिसलयः । etc. ; vide अर्थ. VI. 2. 33 ( शक्तयः ), VI. 2. 28 ( द्विसप्ततिः ) ; VII. 1. 2 ( षड्गुण्य ) ; ( 5 ) भूयो भूयश्चोपधाभिर्विशोध्य ... मतिसहायमकरवम् । ( vide अर्थशास्त्र I. 10. 1-4 ) ; ( 6 on p. 54 ) येऽपि मन्त्रकर्कशाः शास्त्रतन्त्रकाराः शुक्राङ्गिरसविशालाक्ष-बाहुदन्तिपुत्र-पराशरप्रभृतयस्तैः किमरिषड्वर्गो जितः कृतं वार्तः शास्त्रानुष्ठानम्. शुक्र and आङ्गिरस are respectively उशनस् and बृहस्पति. These are among the individual predecessors mentioned in the Arthaśāstra.

Let us now turn to the *Mudrārākṣasa*,<sup>159</sup> from which a few passages are quoted below. It refers to Kauṭilya as 'Kuṭilamati' (of crooked intellect) in I. 7 'Kauṭilyaḥ Kuṭilamatih sa eṣa yena krodhāgnau prasabham-adāhi Nandavaṁśaḥ', and again in Act IV. 2 there is a reference to the crooked intellect of Kauṭilya ('api ca kuṭilām Kauṭilyasya pracintayato matim'). Again, in Cāṇakya's speech in *Mudrārākṣasa* before I. 22 'anyac-ca-Nandam-iva Viṣṇuguptaḥ &c.' it is clearly shown that Viṣṇugupta and Cāṇakya are identical, according to the author of the *Mudrārākṣasa*. Malayaketu boasts (V. 22) 'I am able to uproot Viṣṇugupta and Maurya even if they come (together) with you (Rākṣasa)'. Here the author clearly shows that Viṣṇugupta is identical with Cāṇakya and Kauṭilya. There is a striking passage towards the end of the play after VII. 9, where Cāṇakya addresses Rākṣasa (whom the former has won over to the side of Candragupta) 'I, Viṣṇugupta, offer salutation to you' (Viṣṇugupto ham-abhivādaye) and Rākṣasa responds by saying 'Bho Viṣṇugupta' when a little before (i. e. before VII. 6) Rākṣasa had said (nivedyatām durātmane Cāṇakyaṃ). These passages establish beyond doubt that, according to Viśākhadatta, Kauṭilya, Cāṇakya and Viṣṇugupta were the names of the same person and, from the way in which *abhivādana* was performed, it appears that the dramatist believed that Viṣṇugupta was the original name given at the time of Nāmakaraṇa.\* *Manu* (II. 121) prescribes that a brāhmaṇa making *abhivādana* to a person older (than himself) should pronounce his own name with the words 'here do I bow, so and so by name'. Vide H. of Dh. Vol. II. pp. 336-337 for discussion on *abhivādana*.

159 चाणक्यः—राक्षस राक्षस । एष भवतः कौटिल्यबुद्धिविजिगीषोर्बुद्धेः प्रकर्षः । चाणक्यतश्चलितभक्तिमहं सुखेन जेत्यामि मौर्यमिति संप्रति यः प्रयुक्तः । Act. III p. 30 ; विष्णुगुप्तं च मौर्यं च सममप्यागतौ त्वया । उन्मूलयितुमी- शोहं त्रिवर्गमिव दुर्नयः ॥ मुद्रा. V. 23 ; भो अमात्यराक्षस विष्णुगुप्तोहमभिवादये । मुद्रारा. after VII. 9 and राक्षस says 'भो विष्णुगुप्त प्रह्वोस्मि' after VII. 16.

\* In I. H. Q. vol. 28 for 1953. pp. 265-72 Mr. K. C. Ojha holds that Viṣṇugupta is a later fabrication and that he compiled the *Arthaśāstra* after the 6th or 7th century or a couple of centuries earlier. It is unnecessary to deal with his arguments, which are mostly subjective and he has not carefully considered all the facts im-  
mabled here.





There was a great divergence of views about the time when a child was given a name. Vide I. H. Q. (1938) Vol. 14 pp. 24-44 (the author's paper on giving a name to a child) and H. of Dh. Vol. II pp. 238 ff. Several authorities prescribed that Nāmakaraṇa should primarily be performed on the 10th or 12th day after birth (Baud. Gr. II. 1. 23, Pār. Gr. I. 17 and Manu II. 30). There were various rules at different times about what name should be given. One of the rules was that the name may be derived from that of a sage or of a deity or may be the same as the name of an ancestor (Baud. Gr. II. 1. 28-29 and Mānavagṛhya I. 18). The name Viṣṇugupta would\* be in accordance with these rules, but not Cāṇakya necessarily. Kauṭilya would only be a gotra name or a nickname. The name Cāṇakya may have been due to the place whence the author's family came or where he was born, just as Pāṇini is called Śalāturiya from Śalātura occurring in Pāṇ. IV. 3. 93). In the *Parīśiṣṭaparva* of Hemacandra (ed. by Jacobi, Calcutta 1883) on p. 55 of the Introduction it is stated that Caṇaka was a village in Golla District and Cāṇakya was born of a Brāhmaṇa called Caṇin who resided there. Verse VIII. 339 states that Candragupta became king 155 years after Mahāvīra passed away. His paternal grandfather or some more remote ancestor might have borne the name Caṇaka and so he was called Cāṇakya (according to 'Gargādibhyo yañ' (Pāṇ. IV. 1. 105), Caṇaka being one of the numerous words under 'Gargādi-gaṇa.' We have Cārāyaṇa and Kātyāyana (in *Artha*. V. 5. 11), Cara being included in the Naḍādi-gaṇa (Pāṇ. IV. I. 99) as the 2nd word. Vide the Nidhanapur plates of Bhāskara-varman (of Kāmarūpa) in E. I. Vol. 19 pp. 115-117 and pp. 248-250, where two hundred and five donees are named together with their gotras (about 25), among which are Kātyāyana, Kauṭilya (four donees of that gotra), Gautama, Jātūkarna &. Vide J. I. H. Vol. XXXI. pp. 111-119 where several views are mentioned about the date of the Nidhanpur plates, S. Bhattacarya assigning them to about 647 A. D. The *Harsacarita* (VII) mentions several ancestors of Bhāskaravarman, who, according to the *Harsacarita*, was a contemporary of Emperor Harṣa. There is no

\* Keith on p. 489 of his paper in B. C. Law Felicitation makes the extraordinary suggestion that 'Another name of is Viṣṇugupta which was altered by Kauṭilya after his destruction of the line of Nanda, acc. to the *Mudrārākṣasa*.



doubt that, whatever the exact date of the Nidhanpur grant may be, Bhāskaravarman flourished in the first half of the 7th century.

Daṇḍin flourished not later than 700 A. D.; vide the author's History of Sanskrit Poetics (ed. of 1961) pp. 119-120 and the discussion that precedes. The date of Mudrārākṣasa is rather debatable. It depends upon what is the correct reading of the last pāda in the Bharatavākya.<sup>160</sup> The Bharatavākya in the Mudrārākṣasa is put in the mouth of Rākṣasa in some mss. and in that of Cāṇakya in others. The word 'Bharatavākya' literally means 'the speech of the Bharata or of Bharatas' ('Bharatā ityapi naṭaḥ' says Amaraṇṣa). The Nāṭyaśāstra does not define the word. Therefore, we have to rely upon the practice of early and great Sanskrit dramatists to find what the word exactly implies. In some of the great Sanskrit dramas, Bharatavākya is general in tone, asking for the welfare and happiness of the people (particularly of good men), long and healthy life, good government, good rains, good crops, fame and prosperity to poets &c., as in the Vikramorvaśīya, Mahāvīracarita, Mālatīmādhava, Ratnāvali, Veṇīsaṁhāra, Mṛcchakaṭika. In the Mālavikā° the last verse requests the queen always to bestow her favours on him and adds that as long as Agnimitra is the protector of the subjects, it is not necessary to invoke such blessings as the absence of floods, drought, locusts, invasions &c. The Śākuntala ends on two notes. The first half says 'may the king be assiduous in bringing about welfare to the people and may the literary efforts of those whose learning is great become famous.' The second half is 'may the self-existent Śiva eliminate re-birth in my case.' It is difficult to hold that this refers to an indi-

160 The भरतवाक्य in the Mudrārākṣasa is put in the mouth of Rākṣasa in some mss and in that of Cāṇakya in others. It is as follows; बाराहीमात्मयोनेस्तनुमवनविधावास्थितस्यानुरूपां यस्य प्राग्दन्तकोटिं प्रलय-परिगता शिश्रिये भूतधात्री । म्लेच्छैरुद्वेज्यमाना भुजयुगमधुना संश्रिता राज-मूर्तेः स श्रीमद्वन्धुमृत्यश्चिरमवतु महीं पार्थिवश्चन्द्रगुप्तः ॥ There are various readings in the last seven letters viz. 'पार्थिवश्चन्द्रगुप्तः', पार्थिवोऽवन्तिवर्मा, पार्थिवो दन्तिवर्मा and others which may be neglected. The present author holds that the proper reading is पार्थिवश्चन्द्रगुप्तः.



vidual actor ( the word 'mama' being there ). It must refer to Dusyanta, who is the last to speak (before the benediction) and possibly there is another suggested meaning that expresses the yearning of the poet Kālidāsa himself. Therefore, it is not quite accurate to say that the Bharatavākya is no part of the drama or that it is a chorus by all the actors ; in that case 'mama' in the Śākuntala would be inappropriate. The dramatist was to write the Bharatavākya and it is possible that several dramas though they contained Bharatavākya were not or could not be put on the stage at all. The Bharatavākya, thought not an essential part of the action of the play, is still said by one of the prominent characters in the play. Avantivarman has nothing to do with the drama or the characters therein. The proper reading is therefore 'pārthivaś-candraguptaḥ.' It is proper to hold that Cāṇakya, who is the dominant character of the story of the drama, recites that benediction. The poet Viśākhadatta was the grandson of a *sāmanta* (feudatory chief) Vateśvaradatta and the son of Mahārāja ( king ) Bhāskaradatta and therefore it would be a fine piece of flattery if there be an oblique or indirect reference to Emperor ( Mahārājādhirāja ) Candragupta in the words of the drama. The Gupta Emperor Candragupta II ruled till 414 A. D. Vide Fleet's Gupta Inscriptions ( 1888 ) p. 15 and JBORS Vol. 30 pp, 1-46. If the poet flourished under him the drama was composed about 400 A. D. Taking Avantivarman as the king meant in the Bharatavākya ( which is very unlikely ), the drama must have been composed in the latter half of the 6th century, as Avantivarman took a great part in vanquishing the Hūṇas about 582 A. D. Vide I. H. Q. Vol. 30 ( 1930 ) pp. 175-178 and pp. 485-6 for a discussion on Bharatavākya.

The Kāmandakīyanītisāra highly praises Viṣṇugupta as shown above. The date of Kāmandaka is also debatable. I showed so far back as 1911 ( in I. A. for 1911 p. 236 ) that Vāmana in his Kāvyaśāṅkārāsūtra quoted from some work not available now a half verse ' Kāmam Kāmandakī nītirasyā rasyā divānīsam ' as an example of one variety of *Yamaka*. Dr. Jolly in his haste to dispose of evidence against his pet theory treats this in a slipshod manner and gives a note on p. 8 ( of Introduction ) that the ' 8th century seems to be the most likely date ' of the Nītisāra of Kāmandaka. I showed that Vāmana quotes a half verse not from the Nītisāra but

from some work in which occurs the statement 'the *dhī* (intellect of some person) indeed day and night enjoys (the reading of) Kāmandakī-nīti'. Vāmana in his own *vṛtti* on IV. 6. 2 states that Yamakas are treated at length in a work called Hariprabodha. That work is now not available. Vāmana elsewhere expressly says that the examples he gives are mostly from others (*parakīyaśca puṣkalaiḥ*). It would have been a long time before the Nītisāra became famous. A work now unknown refers to it and a half verse from that work is quoted as an example of a figure of speech by the rhetorician Vāmana (from Kashmir). This might take centuries. The Nītisāra may be centuries earlier than 800 A. D. for all we know. Kāmandaka further tells us that he looked upon Viṣṇugupta as his Guru. In the Śāntiparva (chap. 123) there is a dialogue between Kāmandaka and Āṅgarīṣṭa, king of Aṅga. The name Kāmandaka is thus comparatively ancient.

There is nothing to prevent us from holding that the Nītisāra of Kāmandaka may belong even to the third century A. D. I am here concerned only with showing that Dr. Jolly did not carefully consider the matter and is wrong in putting the Kāmandakīyanītisāra in the 8th century A. D. when he agreed to put Vāmana about 800 A. D. It is surprising that Winternitz also refers the Arthaśāstra to the 3rd century A.D. (p. 28 of Cal. Review, April-June, 1924). Dr. Jolly unnecessarily parades patent facts e. g. he remarks (on p. 11) that the Brhatsamhitā (chap. 78.1) contains nearly the same list of princes killed in their harem as the Arthaśāstra (I. 20. 15-17). In the first place, the list is not quite the same. But, apart from that, one would like to know what conclusion he draws from the fact that the Brhatsamhitā contains some or most cases of treachery mentioned by Kauṭilya is not clear. As he holds that A. belongs to the 3rd century A. D. it is clear that if there is a borrowing it is Varāhamihira who borrows (as the latter flourished in the first-half of the 6th century A. D.). The Harṣacarita (VI) mentions these cases and several more. The Nītisāra (VII. 51-54) also mentions these cases of treachery.

The Kathāsaritsāgara of Somadeva (in the Kathāpīṭha-lambaka chap. 5 verses 108-124) refers to the story of Cāṇakya having brought about the death of Yogananda and placed Candragupta (*pūrvanandasuta*) on the Magadha throne. That work purports to give successfully the contents

of the Brhatkathā ( I. 1. 3 ), avers that it closely follows the original, does not depart even slightly from it and that only the language differs and there is abridgment in it and some detail ( I. 1. 10 ). The Brhatkathā of Guṇādhyā is supposed to have been composed in the Paisācī dialect about the first century A. D. It is mentioned by Bāṇa in Harṣacarita ( Intro. verse 17 ) and in Daṇḍin's Kāvyaṇarśa ( I. 38 ). The Brhatkathāmañjarī of Kṣemendra ( II. 216 ) refers to the story that Cāṇakya brought about the death of Yogananda ( by magic ) and placed Candragupta ( described as ' pūrvanandasutah ' ) on the throne.

So far I have dealt with works that name Viṣṇugupta, Cāṇakya and Kauṭilya singly or collectively and the dates of which though not very certain can be fixed within narrow limits. Now I shall refer to some Purāṇas which mention Candragupta and his minister Kauṭilya. There are five Purāṇas that have chiefly to be considered viz. Vāyu 199. 326-332, Brahmāṇḍa III. 74, Viṣṇu ( IV. 24, 25-33 in prose ), Bhāgavata ( XII. 17 ) and Matsya ( 272. 19-26 ). The Matsya account is rather defective; Vāyu and Brahmāṇḍa agree, Viṣṇu and Bhāgavata agree. All five say in a prophetic vein that Nandas will rule for 100 years, that Kauṭilya would uproot the Nandas and place Candragupta on the throne, the latter will rule for 24 years, his son Bindusāra ( Bhadrasāra in Vāyu ) for 25 years and Aśoka ( grandson ) will rule for 36 years. Some mention nine Maurya kings and others mention ten kings, but all agree that the dynasty will rule for 137 years, though there is difference in the number and sequence of kings. Four Purāṇas ( except the Matsya ) appear to refer to Guptavaṁśa but do not name even the great conqueror Samudragupta. Therefore, it may be argued with great probability that they took their present form about 320-335 A. D. It is not necessary to enter into details here. Those interested in the Purāṇa historical traditions may refer to pages 842-861 of the fifth volume of the H. of Dh. and to a paper by Mr. H. G. Shastri in JOI ( Baroda ) Vol. IX pp. 387-392. The Dipavaṁśa, of the 5th century A. D. and a Ceylonese Chronicle, supports the Paurāṇic account so far that Candragupta's son was Bindusāra, whose son was Piyadassi ( or Aśoka or Piyadassana ) and that Aśoka was crowned king 218 years after the passing away of Buddha ( VI. 14-15 ) and that Candragupta ruled for twenty-four

years (Dīpavaṁśa V. 73 and 100), as the Purāṇas say. The Mahāvaṁśa (Geiger's ed. of 1908, I. 5. 16-20) states that Cāṇakya, after killing the 9th Nanda, will anoint as king Candragupta Maurya (a Kṣatriya), that he will rule 24 years, his son Bindusāra will rule for 28 years, then Aśoka, after killing his brothers will be anointed king.

It is known from Greek, Buddhist and Jain sources and Indian inscriptions that Candragupta, Bindusāra and Aśoka were historic persons. We know from Greek sources that Candragupta and Seleucus, the successor of Alexander the Great in the East, formed an alliance and that Seleucus ceded to Candragupta parts of Gedrosia (Baluchistan), Arachosia (Kandāhāra) and Paropamisadae (i. e. Kabul), all of which stretched up to the Indus), vide Tarn on 'the Greeks in Bactria and India', 1938, p. 100 and Cambridge Ancient History, Vol. VI. pp. 413-14 (which gives a brief note on what Eratosthenes says about this treaty). Similarly, the accounts in Matsya (272. 18-23), Vāyu chap. 99. 326-337 and other Purāṇas about Puṣyamitra and his descendants and about the Sātavāhanas have been found to be substantially correct from the Sunga Inscription from Ayodhyā (E. I. Vol. 20 p. 54), Nanaghat, Nasik and other Inscriptions. There is no reason, *except unreasonable suspicion and prejudice*, why the connection of Kauṭilya or Cāṇakya with Candragupta mentioned in the Purāṇas (as in Matsya 272. 22 and Vāyu 99. 330-1), and the Mahāvaṁśa and other early literature should not be held to be at least probable. The embellishments and fabulous trappings of the story may not be taken seriously. But the core of the story should be accepted as quite probable and should not be rejected unceremoniously. Alexander's was not a conquest of India in the ordinary sense of the word, the sense in which Alexander conquered Persia (see Tarn in the work cited p. 131). Tarn states (*ibid*, p. 174 notes 2 and 3) that some writers have put forward the theory that in the treaties between Candragupta and Seleucus there was a grant by the Indian king to the Greeks of the right to intermarry in the Kṣatriya-varṇa and Tarn appears to hold that Candragupta's marriage with a daughter of Seleucus might have taken place (note 3). The Cambridge H. of India (Vol. I. p. 472) observes 'for Seleucus the task of meeting Candragupta in war proved too great. Seleucus was content to secure a safe retirement and a gift of 500 elephants by the surrender of all the Greek



dominions as far as the Kabul valley'. This shows that Candragupta was a very capable man and therefore his cause was espoused by Cāṇakya who hailed from Gāndhāra. Dr. Chhabra (in the Woolner Commemoration Volume pp. 51-52) suggests that in the story in the Rāmāyaṇa (Uttarakāṇḍa 100-101) about the war between Bharata and his sons Takṣa and Puṣkala on the one hand and Śailūṣa on the other, Śailūṣa stands for Seleucus. At present there is nothing but the phonetic resemblance of the two words in favour of this idea.

It is known that Porus first fought with Alexander but later on he became reconciled to him (Tarn's work p. 169); however, other people in North-West India fought desperately with Alexander (*ibid*). Alexander died in 323 B. C. It is highly probable that Parvataka mentioned as the father of Malayaketu in the Mudrārākṣasa is the king Porus who (after first opposing Alexander) had become an ally of the Greeks in Alexander's days (Tarn pp. 46, 169). Some Jaina sources put the accession of Candragupta at 312 or 313 B. C. (vide Cambridge History of India vol. I, 1922 p. 698 and Bhattasali in J. R. A. S. 1932 pp. 273, 284). Tarn suggests that Candragupta seized Magadha in 321 B. C. and completed the conquest of the whole of Northern India (including the countries in the Northwest) by 312 B. C. (vide Tarn's work p. 47 n. 3). Much of this history is conjectural. One thing is quite clear that Candragupta got possession of some territory to the West of the Indus and secured some parts in the Panjab and also the crown of Magadha. But the sequence of the several events is not clear and not beyond debate. From the Mudrārākṣasa it appears that Candragupta first secured Panjab (probably with the help of Cāṇakya and his supporters) in addition to what he got ceded by Seleucus, that Cāṇakya was most probably from Gāndhāra, as in his treatment of Vākpārūṣya (damage or injury by words) he says (A. III. 18. 8) 'by that (what precedes) are explained the defamation concerning the learning of professional storytellers and libel of the country of those who come from the country of Prājjūṇaka and Gāndhāra'. As Gāndhāra is specially mentioned here from among the dozens of countries in the continent of India, it follows with great probability that he was born there or had lived there long. The story of Mudrārākṣasa shows that in the times of that author it was believed that Parvataka was killed by foul means, that orna

ments worn by Parvataka had fallen into the hands of Candragupta ( Act I just before verse 19 ) and verse 19 refers to five chiefs of North-west India as the most prominent among Mleccha chiefs. According to Greek sources, Porus was killed before B. C. 318 ( Tarn's work p. 46 ). The *Mudrārākṣasa* opens when Candragupta had recently occupied the Magadha throne. In Act II of the *Mudrārākṣasa* we read ( before verse 14 ) that Kusumapura ( the capital of Magadha ) had been invested by the army of Candragupta and Parvateśvara which consisted mostly of Śakas, Yavanas, Kirātas, Kāmbojas, Pārasikas and Bāhlikas and supported by the counsels of Cāṇakya. This means that for securing the capital of Magadha soldiers from the Northwest of India had been brought by Candragupta and Parvataka and Cāṇakya had the leading part in that. In Act III after verse 24 Cāṇakya says to Candragupta, ' we have recently secured the kingdom of the Nandas ' and in Act IV, 14 Rākṣasa himself tells Malayaketu that the Maurya has recently become king. It seems that Candragupta first gained provinces in Northwest India and then secured Magadha. Besides, in Act IV ( before verse five ) Malayaketu says that it was the tenth month after his father's death. That shows that within a few months of Parvataka's death, Candragupta had recovered the throne of Magadha and then engaged in a feigned quarrel with Cāṇakya about Kaumudīmahotsava in the capital. A short time before the false quarrel Malayaketu had left the capital. Hence, according to the *Mudrārākṣasa*, Candragupta came to the throne about 317 B. C. if we accept the identity of Parvataka and Porus ( who died in 318 B. C. according to Tarn. ). The Cambridge History of India ( vol. I, p. 470 ) holds that the *Mudrārākṣasa* dates probably from the 7th century A. D., and that ' we need not question its evidence '.

In the *Kādambari* of Bāṇa ( first half of 7th century ) we have a striking reference to Kauṭilya's work as a cruel<sup>161</sup> work because it mostly contains advice that is ' very wicked '. This shows how Kauṭilya's work had already become unpopular in North India ( before the first half of the 7th century ) on account of its vigorous advocacy of the doctrine that the end justifies the means. This explains to some extent the paucity of

161 किं वा तेषां सांप्रतं येषामतिदृशंसं प्रायोपदेशनिवृत्तं कौटिल्यशास्त्रं प्रमाणम् ।  
कादम्बरी p. 109 ( Poterson's ed. ).



the mss. of the Arthaśāstra in the whole of India, particularly in North India, from where so far only a fragment of a ms. of the work has been recovered. The Matsyapurāṇa (7. 63) contains a story in which the speaker ( Indra ), who is supposed to have interfered with the womb of Diti that contained 49 foetuses and then made them Maruts, is made to say that he committed a wicked deed following the precepts of Arthaśāstra.<sup>162</sup> This is probably a reference to the Kauṭilya by the author of the Matsya-Purāṇa in the present state of our knowledge. If this be accepted the Arthaśāstra would have to be pushed back at least some centuries before 250-300 A.D., the probable date of the Matsya, as demonstrated in H. of Dh. S. Vol. V. pp. 852, 854.

The extant Arthaśāstra itself claims that it is a work of Kauṭilya. (1) This Śāstra ( book ), that is easy to learn and to understand, that is definite as regards its essence, meaning and words, that is free from prolixity in matter has been composed by Kauṭilya; (2) Having gone through all śāstras one after another and having secured ( knowledge of ) the practice ( in such matters ), Kauṭilya composed these rules about edicts for the sake of kings ( II. 10. 63 ). In the very first sentence of his work he states ' this one text-book on the science of polity has been composed mostly by collecting together ( the teachings ) of as many treatises as have been established by ancient teachers for securing the acquisition and protection of the earth ( realm ); (3) ' This Śāstra ( text-book ) has been composed by him who, in resentment quickly raised ( re-arranged or regenerated ) the science of Politics, the weapon ( to strike down enemies ) and the earth that had fallen into the hands of the Nanda kings. These three passages along with the occurrence of the words ' iti Kauṭilyaḥ '<sup>163</sup> about

162 अर्थशास्त्रं समास्थाय मयैतद् दुष्कृतं कृतम् । मत्स्य० 7. 63.

163 सुखग्रहणविज्ञेयं तत्त्वार्थपदनिश्चितम् । कौटिल्येन कृतं शास्त्रं विमुक्तग्रन्थ-  
विस्तरम् ॥ अर्थशास्त्र I. 1. 19; सर्वशास्त्राण्यनुक्रम्य प्रयोगमुपलभ्य च ।  
कौटिल्येन नरेन्द्रार्थे शासनस्य विधिः कृतः ॥ अर्थ. II. 10. 63; येन शास्त्रं च  
शास्त्रं च नन्दराजगता च भूः । अमर्षेणोद्धृतान्याशु तेन शास्त्रमिदं कृतम् ॥

XV. 1. 73; नरेन्द्रार्थे may have been purposely used in two senses (1) for kings in general, (2) for the King ( i. e. for Candragupta ). For the 3rd śloka quoted compare Kāmandaka I. 6 quoted above. The word ' uddhṛta ' is used in three allied senses here; with (1) modelled ( with śāstra ), (2) raised ( with śāstra ) and extricated or saved ( with bhūḥ ).



eighty times and the testimony of comparatively early works and authors like the *Mudrārākṣasa* ( 5th or 6th century A. D. probably ), *Bāṇa* ( first half of 7th century A. D. ), the *Daśa-kumāracarita* make a very strong case for holding *Kauṭilya* as the author of the work on *Arthaśāstra*.

At the end of the whole work we find a verse which means 'on seeing the numerous divergent views of the commentators on the Śāstras (other text-books on politics), *Viṣṇugupta* himself composed (a work) containing both sūtra and bhāṣya'.<sup>164</sup> This verse is not composed by *Viṣṇugupta* but by some one else. It does not mean that the *Arthaśāstra* has sūtras and bhāṣya thereon. It means that the work includes the form and merits of both sūtras and bhāṣyas thereon i.e. it is very brief when that quality is required and it contains detailed expositions when they are required. He knew that sūtras must above all be '*alpākṣara*' (concise) and a bhāṣya must explain the meaning of the words of the sūtra and add expository material. Vide H. of Dh. Vol. V. p. 1182, notes 1926-27 about the characteristics of sūtra and bhāṣya. The aphoristic style (in K. A.) may be seen in such passages as I. 2. 1-10, I. 3. 1-15, II. 10. 13-20, III. I. 6-11; the expository style may be seen in VII. 1. 32, V. 5. 7 and long sentences in I. 21. 7, VII. 15. 12. etc. Johnston in his 'two studies in the *Arthaśāstra* of *Kauṭilya*' in JRAS for 1929 (pp. 77-102) states that the *Laṅkāvatārasūtra* was translated into Chinese in 443 A. D., that therefore the main body of the work is not later than 4th century A. D. and that (p. 87) in verses 813-7 the ṛṣis are announced in the following order viz. *Pāṇini*, *Kātyāyana*, *Yājñavalkya*, *Vālmiki*, *Masurākṣa*, *Kauṭilya* and *Āśvalāyana*. *Yājñavalkya* is most probably the sage of the *Bṛhadāraṇyaka Up.* Most of the others belong

164 दृष्ट्वा विप्रतिपत्तिं बहुधा शास्त्रेषु भान्यकाराणाम् । स्वयमेव विष्णुगुप्तश्चकार सूत्रं च भाष्यं च ॥ Winternitz is mistaken in thinking (p. 16 in Cal. R. 125) that the verse is in bad metre. This is an āryā, the last pāda of which should have 15 mātrās, the last word is 'ca' which is short. But there is a special rule in ancient metrics that the last letter in a pāda even if short may be treated as long; vide *Piṅgala-chandas-sūtra* I. 10, *Chandonuśāsana* of Hemacandra (I. 6) and *Vṛttaratnākara* I. 9. Compare the verse आसन्मघामु...राज्ञश्च in *बृहत्संहिता* 13. 3 where the last letter has to be taken as equal to two mātrās.



to centuries preceding the Christian era and therefore the name of Kauṭilya, it seems, was known some centuries before Christ and as most of the names are those of authors, Kauṭilya should also be regarded as an author in this passage.

The Tantrākhyāyikā ( the earliest extant version of the Pañcatantra ) which, acc. to Prof. Hertel ( the editor in HOS ), is certainly not later than 300 A.D., pays homage to Cāṇakya the great as one of the expounders of Rājaśāstra ( verse 2 ). Dr. Jolly ( Intro. p. 8 ) wants to put the date of Tantrākhyāyikā one century later ( in order to be able to say that Arthaśāstra might have been composed about 300 A. D. ) simply on the ground that the collection of tales was not translated into Pahlavi till about 570 A. D. and since the collection of tales agrees closely with the Pahlavi translation. This is not a tenable argument at all. The Pañcatantra had several versions. We do not know what version the Persian translator had before him. He may have translated from a version older than other versions available in India at that time.

Dr. Jolly remarks ( on p. 10 of Intro. ) that the exhortation to soldiers contained in A. ( x. 3 ) are quite misleading. There are two verses in the exhortation ( quoted below ).<sup>164a</sup> The first occurs in the extant Parāśarasmr̥ti III. 44, which is comparatively a late smṛti as shown below ( under Parāśarasmr̥ti ). Therefore, the first verse ( if it is a genuine part of the original Arthaśāstra ) might have been borrowed by both A. and Parāśarasmr̥ti from some other earlier work. The 2nd verse occurs in the Pratijñā-Yaugandharāyaṇa IV. 3 ( one of the so-called Bhāsa plays ). There is a sharp cleavage of opinion among Sanskrit scholars as to whether all the numerous plays published as Bhāsa's are the works of the ancient Bhāsa who is praised even by Kālidāsa. The present author holds that almost all the published plays attri-

164a संहत्य दण्डं ब्रूयात् 'तुल्यवेतनोऽस्मि, भवद्भिः सह भोग्यमिदं राज्यम्, मयाभिहितैः परोऽभिहन्तव्यः' इति । वेदेष्वप्यनुश्रूयते-समानदक्षिणानां यज्ञानामवमृथेषु 'सा ते गतिर्या शूराणाम्' । इति । अपीह श्लोकौ भवतः । यान् यज्ञसङ्घैस्तपसा च विप्राः स्वर्गं विणः पात्रचयैश्च यान्ति । क्षणेन तानप्यतियान्ति शूराः प्राणान् सुयुद्धेषु परित्यजन्तः ॥ नवं शरावं सलिलस्य पूर्णं सुसंस्कृतं दधे कृतोत्तरीयम् । तत्तस्य मा भून्नरकं च गच्छेद्यो भर्तृपिण्डस्य कृते न युज्यते इति । अर्थशास्त्र N. 3. 27-31; compare शान्तिपर्व 78. 31 ब्रह्मलोकं स्वर्गान्वीरास्तान्मनुरब्रवीत् । —and vide मनु VII. 89.



buted to Bhāsa are not the works of the ancient Bhāsa. Besides, the verses 'yān yajñasaṅghaiḥ' and 'navam śarāvam' are preceded by the words 'śṛṇvantu atrabhavantah' in the speech of the *gātrasevaka* in the play. So, he appears to be quoting from another source. Further, the *Pratijñā* shows acquaintance with *Arthaśāstra*.<sup>165</sup> Besides, the king's exhortation has 'iti' at the end of X. 3. 27. The passage 'vedeṣvapyanuśrūyate ... hantavyaḥ' has *iti* at the end and there is *iti* at the end of the two verses also. The passages (x. 3 29-31) seem to be later additions and there are three *itis* instead of one in the supposed exhortation of the king. Therefore, if the two verses occur in the A. they are both quotations and further they may have been taken over by the *Parāśara Smṛti* and the *Pratijñā* from the *Arthaśāstra*. Sten Konow in 'Kauṭilya Studies' (Oslo, 1945, pp. 1-71) 'sees no serious objection to the theory of Bhāsa borrowing from Kauṭilya' (p. 6). Dr. B. M. Barua in *Bhārata-Kaumudī* vol. I. pp. 85-119 (paper styled 'Arthaśāstra, a blend of old and new') seems to hold that both verses in A. X. 3 are traceable in the plays of Bhāsa (p. 99) but he does not condescend to tell his readers in what drama of Bhāsa the first verse 'Yān yajñasaṅghaiḥ' occurs. Dr. Jolly also (Intro. p. 10) is vague about these two verses. He does not state from what play the verse 'Yān yajña°' is taken. The first verse 'Yān yajñasaṅghaiḥ' with slight variations is quoted from *Viṣṇudharma* by Hemādri on *Vrata-kāṇḍa* vol. II p. 971 (and as stated above it occurs in *Parāśara Smṛti* also). It is remarkable that even Keith on p. 491 (in *B. C. Law Felicitation Volume Part I*), vaguely says 'In A. (X. 3) are to be found *two verses which apparently* are taken from Bhāsa'. He never bothered to tell his readers in what play the first verse occurs, just as Dr. Barua and Dr. Jolly do. This is a good example of how sweeping assertions are made by even experienced scholars.

Among the circumstances for rejecting the thirteen Trivandrum plays as the works of the famous Bhāsa, a predecessor of Kālidāsa, may be mentioned the following: (1) the plays

165 प्रतिज्ञायौ. II. 13 is 'अर्थशास्त्रगुणग्राही ज्येष्ठो गोपालकः सुतः। गान्धर्व-  
द्वेषी व्यायामशाली चाप्यनुपालकः ॥' गुण seems to refer to the पादुका  
अर्थशास्त्र VII (अधिकरण).





have come down anonymously; (2) verses ascribed to Bhāsa in several anthologies are not found in the thirteen plays; (3) even verses quoted from a play called *Svapnavāsavadattā* are not found in the *Svapnavāsavadattā* (of Trivandrum); (4) that out of thirteen plays five are only one act plays not fit to be called *Nātakas* at all. Vide a paper in *Calcutta Review* for 1924 (October–December) pp. 339–349. Several scholars have placed Bhāsa at the end of the 2nd century A.D. e. g. Sten Konow (in E. Kuhn *Presentation* vol. 106 ff. and Losny in *J. O. I., Baroda*) vol. XIII No. 1 p. 48. This does not affect those who hold that A. belongs to about 300 B. C.

One question about Candragupta may be briefly mentioned here. *Purāṇas* give confused accounts, *Matsya* (272. 26) and *Vāyu* (99. 326–27) state that the kings after Mahāpadma will be born of Śūdra women. But *Vāyu* states that Mahānandi's son from a Śūdra wife will be Mahāpadma. That means that Candragupta was deemed at the time of the *Purāṇas* to be the son of a Kṣatriya from a Śūdra wife. The author of the *Mudrārākṣasa* (whether he belonged to the 5th century A. D. or 6th or later) came long after the *Purāṇas*, was permeated by Paurāṇic lore and therefore he generally uses the word 'vṛṣala' (which means Śūdra in medieval Sanskrit works) with reference to Candragupta when speaking of him personally, but in his absence he several times employs merely the word 'Candragupta' (as after I. 12. 14) or *Vṛṣala* (just before I. 10). In II. 18 just before approaching king Candragupta occupying the throne Cāṇakya speaks of him as 'Vṛṣalena Vṛṣeṇa rājñām' (*Vṛṣala*, the best of kings). There is absolutely no evidence to hold that the kingmaker Cāṇakya called him 'Vṛṣala'. It is the dramatist saturated through and through with Paurāṇika ideas that Kṣatriyas ceased to exist after the Nandas, who applies the word *Vṛṣala* to king Candragupta. But it must be emphasized that the *Mudrārākṣasa* also shows that Nandakula was the *pitṛkula* of Candragupta, acc. to *Rākṣasa*; vide the words 'Nandakulamanena pitṛkulabhūtam ghātitaṃ' (after IV. 12) and V. 19 'Mauryossau Svāmiputraḥ.' It is to be noted that in the *Mudrārākṣasa* Cāṇakya refers to Candragupta as 'Vatasa' also (just before I. 19). Frantic efforts have been made by some writers (e. g. by Mr. Govind Pai in *Gode com. volume* part III pp. 141–150, particularly p. 146, by Mr. K. C. Seth in *I. H. Q.* Vol. 13, pp. 641–653, and by H. K. Deb in *I. H. Q.*

Vol. 8, pp. 466-479) to explain away the word 'Vṛṣala' in certain ways such as holding Vṛṣala as the Sanskrit equivalent of the word Basileos (Basileus) occurring on the obverse of the coins of Menander and Demetrius (who became king in 190 B. C.; vide Cambridge History of India, Vol. I. pp. 586, 588). But this is a vain effort and has not been accepted by many scholars. The Chamberlain's words on the simple furnishings of Cāṇakya's abode (Act III before verse 16) 'to him His Majesty Candragupta is a mere Vṛṣala and rightly so' indicate in what sense the word Vṛṣala was applied to Candragupta by Viśākhadatta in the *Mudrārākṣasa* or was understood by the Chamberlain. It should be noted, however, that the word Vṛṣala occurs in Rg. X. 34. 11 and is applied to the gambler ('so agner-ante Vṛṣalaḥ papāda'). Here Vṛṣala seems to mean 'a miserable or unhappy person'. In the Rgveda 'la' is affixed to some words as indicating endearment or sympathy e.g. the word 'śisūla' in Rg. X. 78. 6. Several papers have been written on the origin of Candragupta such as in B. C. Law presentation Vol. pp. 590-610, by Dr. A. Ghosh in I. H. Q. Vol. VI pp. 271-283 (which rebuts Śūdra origin), and by Dr. R. K. Mukerjee in Woolner Commemoration Vol. pp. 93-99. Rākṣasa speaks of Candragupta as Mauryaputra in the drama (Act II. 7) but 'Kulahīna' and in VI. 6 he calls him Vṛṣala which word in the context means nothing else but Śūdra (his words being 'gatā śīghreṇa śrīrvṛṣalam-avinīteva vṛṣalī'). The difficulty is that we have no contemporary record about the status of Candragupta (i. e. about 320 B. C.). The views of ancient sages differed. Vasīṣṭha (I. 25) expressly states that some allowed even a *devīja* to marry a Śūdra woman but without the use of Vedic mantras. Manu III. 13 (latter half) who allowed a Kṣatriya to marry a woman of his own varṇa or a vaiśya or a śūdra woman condemns in III. 14 such marriages. It is possible that in the 4th century B. C. a Kṣatriya could validly marry a Śūdra woman. Kauṭilya provides (Arthaśāstra III. 6. 22) that in the case of Brāhmaṇas the son born of a śūdra wife should receive one-third of the deceased father's property as his share and a Sapinḍa as heir shall receive two-thirds for the purpose of offering the oblations to the deceased.

The Anuśāsanaparva says 'tisro bhāryā brāhmaṇasya dve bhārye kṣatriyasya tu | ratyarthamapi śūdrā syān-nyat-  
burapare janāḥ' (44. 11-12).



A learned Astrologer named Viṣṇugupta is mentioned by Varāhamihira in the Brhaj-jātaka in two places (VII. 7 and XXI. 3). In the first reference is made to the views of Viṣṇugupta, Devasvāmin and Siddhasena about the length of life a man may enjoy based on certain horoscopic indications. On VII. 8 Utpala, himself a great astrologer, remarks that the two verses (VII. 7 and 8) do not appear to be Varāhamihira's, but Utpala explains them. In XXI. 3 Varāhamihira refers to the view of Viṣṇugupta that Satyācārya held that Aquarius as the rising sign in a man's horoscope does not betoken good throughout that man's life, while the Yavanas held that it is the Kumbhadvādaśamśa at birth that forbodes evil, while Viṣṇugupta challenged both those views. On XXI. 3 the commentary of Utpala (as printed) ascribes the view to two viz., Viṣṇugupta and Cāṇakya, while the com. on VII. 7 states that Viṣṇugupta's another name was Cāṇakya. Apart from this confusion probably due to scribes, it has to be said that the astrologer Viṣṇugupta must be entirely different from the author of the Arthaśāstra, since the Arthaśāstra appears to ridicule consulting astrology too much in IX. 4. 26, which means 'the (coveted) object (or goal) slips from the foolish person who continuously consults the stars, for the object is (the auspicious or favourable) constellation; what will stars do?' Besides, the system of Rāsis is comparatively a late matter in Sanskrit works. In his extensive work Kauṭilya nowhere refers to Rāsis (signs of the Zodiac), much less to their influence on human beings. Many renowned persons bear the same name. We have Candragupta Maurya as well as two kings of the Gupta dynasty called Candragupta. Similarly, there may have been two or more Viṣṇuguptas. Utpala, the commentator of the Brhajjātaka, composed a commentary (vivṛti) on the Yogayātrā of Varāhamihira. On many passages of the Yogayātrā Utpala quotes the Arthaśāstra as 'Cāṇakya's'.<sup>166</sup>

166 For example, on folio 89 (of the ms. in the Bombay Asiatic Society's Library of the योगयात्राविवृति) we find 'चाणिक्य आह । स्थानमासन-मुपेक्षा चेत्यासनपर्यायाः' (अर्थ० VII. 4. 2. ); Again on 8a 'चाणिक्य आह परार्पणं संश्रयः ।'. This occurs in अर्थ० VII. 1. 10. On योगयात्रा XII. 4 where the word धर्मार्थशास्त्राणि occurs उत्पल explains (folio 78a) 'अर्थशास्त्राणि चाणिक्यप्रभृतानि'.



Utpala, a Kashmirian, flourished before 850 A. D. ; vide the present author's note in Journal of Asiatic Society, Bombay, New Series Vol. 33 ( 1960 ) pp. 147-149. The Sārāvali of Kalyāṇa-varman ( Nir. ed. 1928 ), who is earlier than Utpala, but later than Varāhamihira, also cites certain astrological views of Cāṇakya in Chapter 6. 3 and 47. 45.<sup>167</sup> In the latter passage the view that is cited as Viṣṇugupta's in the Brhājñātaka XXI. 3 is cited as Cāṇakya's. As the far-famed Arthaśāstra Viṣṇugupta was known under two more names ( Cāṇakya and Kauṭilya ) at least from the 5th or 6th century A. D., the date of the Mudrārākṣasa, Viṣṇugupta the Astrologer is cited also as Cāṇakya in the Sārāvali.

In Kern's edition of the Br. Sm. ( II. 4 after prose passages ) a certain verse quoted in the note occurs preceded by the words ' uktam cācāryaviṣṇuguptena ', thereby showing that Varāha quotes a verse of Viṣṇugupta with acknowledgement. In the edition of M. M. Sudhakara Dvivedi the śloka is preceded by the commentary ( of Utpala ) " uktam cācāryaviṣṇuguptena tathā hyāha ' apyarnavasya. " <sup>168</sup> As this verse refers to *Kāla* as a deity it is probably taken from an astrononical, mathematical and astrological work. Probably, it is the same Viṣṇugupta who is quoted in the Brhājñātaka.

One of the arguments of Dr. Jolly is that many passages of the Arthaśāstra, particularly from the 3rd and 4th adhikaraṇas on Dharmasthīya and Kaṇṭakaśodhana ( i. e. roughly civil and criminal law ) recur almost literally in the Smṛtis of Yājñvalkyā, Nārada, and Manu; and he holds that K. was acquainted with the whole body of Dharmaśāstra literature much as we now have it ( pp. 12-20 ). Then he examines Vātsyāyana's Kāmasūtra in relation to Arthaśāstra and holds that there can hardly be any doubt that the Kāmasūtra was deeply influenced by the Arthaśāstra ( p. 24 ). That proposition has been accepted by all those who have written on this


167 कुम्भोदयो न शस्तो लम्बविधौ सर्वयैव सन्त्यमते । यवनैर्वर्गोपि तथा  
चाणक्यो वदति नो वर्गम् ॥ सारावली 47. 45. This is a paraphrase of  
बृहज्जातक XXI. 3.

168 उक्तं चाचार्यविष्णुगुप्तेन । अर्घ्यवस्य पुरुषः प्रतरन् कदचिदासादयेदन्ति  
वेगवशेन पारम् । न त्वस्य कालपुरुषाख्यमहार्णवस्य गच्छेत्कदाचिदन्ति  
सापि पारम् ॥ बृहत्सं० II. 4 p. 5 ( ed. Kern. )

subject. But he tacks on another proposition that 'no long interval of time can have passed between the composition of two such cognate productions'. Jacobi does not agree with this at all and the present author also cannot agree with this dictum of Dr. Jolly, for which there is no authority except his own (the dictum that between two cognate productions no long interval can pass). And even the date of the Kāmasūtra as 4th century or so (Dr. Jolly's Intro. p. 29) may be regarded as later by at least a century or more. As regards comparison with the Smṛtis, Jolly puts down 33 passages (on pp. 12-17). Out of these 20 are from Yājñavalkyasmṛti, only 4 from Nārada, 3 from Manu, two from Viṣṇu and one each from Baudhāyana, Kātyāyana, Vyāsa. Excepting the passages from Yāj. and Nārada the rest are so few that no scholar (who is not already prepossessed in favour of it) will agree that they are enough to hold that Kauṭilya is the borrower. Dr. Jolly himself had doubts even about Yāj. as he says (on p. 18 of Intro.) 'It is true that some facts seem to point the other way, so that Y. instead of K. (Kauṭilya) would have to be regarded as the borrower, either directly or through the medium of a common source'. It will be shown later on that the Smṛti of Yāj. should be held to be the borrower and presents far greater development of juristic provisions than the work of Kauṭilya. Keith, without himself examining the data, holds that Dr. Jolly has *proved* that Yāj. was used by Kauṭilya and that the evidence is *conclusive* (at p. 494) of Keith's paper in B. C. Law Felicitation Vol. I. pp. 477-495). This is like one blind man following another blind man (as said in the Muṇḍakopaniṣad I. 2. 8).

Both Dr. Jolly and Dr. Winternitz rely on the Indica of Megasthenes (while admitting that both M. and K. agree on many points) to show that great divergences exist between the Kauṭiliya and the account left by Megasthenes. There are great infirmities as regards the work (Indica) itself. The original work of Megasthenes has not come down. Only fragments of his work are available. McCrindle (on 'Megasthenes and Arrian' (1877) states at p. 19 'since Strabo, Arrianus and Diodorus have directed their attention to relate nearly the same things, it has resulted that ~~the~~ *the greatest part of the Indika has been completely lost and that* of many passages, singularly enough, three epitomes ~~are~~ *are* extant to which a fourth is added by Plinius'. Therefore,

absence of certain matters in his account cannot be used as an argument at all. How can one know what was contained in what has been lost or was not contained. An argument from silence is not strong and often bad enough but in this case it is much worse (it really is no argument at all). Besides, the period of M's stay in India is uncertain. The Cambridge History of India Vol. I, ( Ancient India ) p. 472 remarks ' M. resided in India for a considerable time and perhaps on more than one occasion at the court of Pāṭaliputra. The dates of his mission must be later than the campaign of Seleucus (circa 305 B. C.) and earlier than the death of Candragupta (297 B. C.) but the time is otherwise undetermined. Prof. Winternitz in Cal. Review ( for April-June 1924 ) states on p. 19 that Megasthenes came to India as ambassador to Candragupta's court in 302 B. C. i. e. he resided in India at the most four years. This means that M. stayed at the court of Pāṭaliputra only for a few years. There is nothing to show whether he had learnt Sanskrit or any other Indian language like Pali.

We should not and cannot totally brush aside the Mud-rārākṣasa. Candragupta and Parvataka, the Nandas and their elimination, Candragupta having employed foreign soldiers and gained large territories in North-west India and even to the West of the Indus river are accepted by almost all scholars. The drama also states that Rākṣasa, the former minister of the Nandas, was induced by Kauṭilya to accept the post of chief minister under Candragupta and he himself retired from the political field. One has often to wonder at the ways of some Western scholars of the 20th century. They themselves show that Megasthenes reported matters as existing in India which were quite untrue. Dr. Jolly glosses over this in the following words ( Intro. p. 38 ) ' the *numerous and glaring discrepancies* between Megasthenes and Kauṭilya are no doubt to some extent due to the idealising tendencies of the Greek writer.' M. does not speak of the four *varṇas*, the most distinguishing characteristic of Indian Society for several centuries before him, but speaks of seven classes in the Indian society of his times ( fragment I. p. 40-44 of McCrindle's tr., ed. of 1877 ). M. states that Indians keep no slaves, that agriculturists have a privileged position in that they are exempt from military service and are never to be molested even in times of war, that Indians never took  except at sacrifices, that Indians do not put out money



usury ( Fragment XXVII B. McCrindle's Tr. ), they have no suits about pledges and deposits ( Fragment XXVII c ), that the *Indians have no written laws and are ignorant of writing* ( Fragment XXVII ), that no private person was allowed to keep a horse or elephant. It is unnecessary to multiply examples. Dr. Jolly himself is constrained to observe ( on p. 40 of Intro. ) as may be seen from these examples, the idealising tendency in Megasthenes *greatly impairs the trustworthiness of his statements.* This is the view of a favourable critic about the positive statements made by M. Prof. A. B. Keith agrees with Dr. Jolly in this appraisal ( B. C. Law Felicitation Vol. I. pp. 477-495 ). To describe the false reports he makes as due to his idealising tendency is a euphemistic way of saying that M. told lies, whatever his object might have been. If this is the state of things in the matter of his positive statements, how can any conclusion be drawn from his silence on this or that point or fact? Prof. A. B. Keith says that M. does not mention by name Kauṭilya or Cāṇakya ( p. 486 of his paper mentioned above ) and insinuates that he was non-existent. As a matter of fact the fragments of M. hardly ever mention the name of any prominent Indian individual at the Pāṭaliputra court or in the country, except that of Sandracottos ( king Candragupta ). Keith admits this ( p. 487 of the paper noted above ). Therefore, non-mention of Kauṭilya or Cāṇakya by M. is worthless as an argument. How non-mention is often worthless as an argument may be illustrated by a striking example. Aśoka in his numerous inscriptions nowhere mentions his great progenitor Candragupta ( grand-father of Aśoka ). But both are mentioned several hundred years later in the inscription ( Junagad ) of Rudradāman ( in 150 A. D. ). Besides, it has been shown above that M. came to India during the last years of Candragupta's reign. If we accept the story of the Mudrārākṣasa, Kauṭilya or Cāṇakya was connected only with the early years of Candragupta's career. By the time M. came to India, Kauṭilya might have been living in a hermitage or might have been dead.

It is really surprising how even a veteran and studious scholar like Dr. Jolly cannot have the candidness to say that, in view of the unanimous Indian traditions preserved in Sanskrit works ( such as the Purāṇas, Nitisāra, Tantrākhyāyikā, Mudrārākṣasa, Kādambarī, Daśakumāracarita ) and in

Jain and Buddhist literature, it is quite possible that Kauṭilya may have been a real person and might have had something to do with Candragupta. Not only does he not do this but proceeds to say 'it might indeed be questioned whether the prime minister of Sandrakottos is not a figure of pure mythology, as he is not mentioned in the Greek reports concerning Sandracottos and as Hemacandra relates very marvellous stories about him.' The first part (about non-mention by Megasthenes) has been dealt with above. (pp. 183-4) Hemacandra flourished a thousand or more years after Kauṭilya and, if he gives marvellous stories, the task of the scholar is to separate the chaff from the the solid grains. Marvellous legends about prophets and great men have been told in all religious books, and so-called histories in all lands. Marvellous stories are told in the Pali Jātakas and other works about Gautama Buddha, but nobody denies the existence and mission of Buddha. Dr. Jolly further says that the minister Rākṣasa (i. e. the peculiar name only, I hope) is probably a myth, why should not Kauṭilya be mythical as well. A king requires a minister or ministers. The Nandas must have had a minister or ministers and one of them might have been dubbed Rākṣasa for various reasons. Supposing the name was wrongly given, there is nothing mythical about it. Rākṣasa occurs not only in the Mudrārākṣasa, but it also occurs in the Pañcatantra III (verse 138) p. 65 of Bühler's ed. of 1891 (kūṭalekhyair-dhanotsargaiḥ-dūṣayet śatru-pakṣajam | pradhānapuruṣam-yadvad-Viṣṇuguptena Rākṣasaḥ"). Dr. Jolly, after having written many things (generally one-sided) becomes aware that it is the contents of the work that matter most and then begins to consider this in a slipshod way on pp. 34-41. On p. 43 Dr. Jolly reverts to the non-mention of Pāṭaliputra in the Arthaśāstra. As stated above, non-mention would have hardly any bearing on the question of the authorship of an extensive Arthaśāstra. Here also one matter for consideration is as follows: As said above, Kauṭilya was probably connected with the early career of Candragupta. He therefore wrote the Arthaśāstra for his king ('Narendrārthe' in II. 10). At first, his kingdom was not very large and was unsettled. Therefore, he composed a long section on superintendents (Adhyakṣapracāra). From that section it appears that he was an experienced administrator and not a mere pandit, as Keith said in (JRAS, 1916 at p. 135), as Winternitz is pleased to remark (in Cal.

Review 1924 p. 17) and as Dr. Jolly echoes this description (Intro. p. 47). Johnston in JRAS for 1929 p. 101 holds that Kauṭilya must have been an experienced and practical administrator.

Winternitz (Cal. Review for April-June 1924) on p. 18 is sceptical about Kauṭilya's authorship of the Arthaśāstra chiefly on two grounds; firstly, the words 'iti' Kauṭilyaḥ' occur about 80 times and therefore the reference is to a school and not to a *single individual*. Some Western writers often indulge in categorical statements about matters Indian on scanty data. We have the examples of Baudhāyana (a. of a Śrauta and Dharmasūtra), Jaimini (author of Pūrvamīmāṃsā-sūtra), Bādarāyaṇa (of the Vedāntasūtra), Vātsyāyana (author of Kāmasūtra) citing their own names in their works. Vātsyāyana is a gotra name. The famous poet Bāṇa speaks of his ancestor as 'babhūva Vātsyāyana-gotrasambhavaḥ'. The second ground is the same that Keith advanced in JRAS for 1916 p. 135 viz. that Kauṭilya means crookedness. How can an author call himself crookedness incarnate? Vide Cal. Review 1924 p. 18. Here again a little knowledge is a dangerous thing. Kauṭilya is a gotra name. Winternitz appears to have known only one meaning of the word. Just as Bhāradvāja often mentioned in the Arthaśāstra is a gotra name, so is Kauṭilya (as shown on p. 91 of the first edition) and as shown above from the grant of Bhāskaravarman of Kāmarūpa in the first half of the 7th century A. D. in E. I. vol. 19 pp. 115-7 and 248-250, which only confirms his ancestor's grant. Moreover, the Pravara-sūtra of Baudhāyana Śrautasūtra (Dr. Caland's ed.) includes Kauṭilya in the Yaska group of gotras (vol. III p. 421). Besides, the Matsya purāṇa (Ānan. ed.) when dealing at length (in chapters 195-202) with gotras and pravaras mentions in chap. 195.26) Kauṭili as a gotra name under Bhṛguvaṃśa. Therefore, these grounds put forward by Keith and Winternitz are worth nothing.

Another example of easy-going attitudes and want of caution even among some veteran Sanskrit scholars of the West may be mentioned from Dr. Jolly's Intro. to his edition of K. (p. 11). He refers to the fact that Medhātithi on Manu adduces two passages (on VII. 191 and 205) from a work spoken of by him as Samānatantra (which can be traced to the Arthaśāstra X. 5, last verse and VI. 2. 7). Dr. Jolly is so

cocksure that he at once jumps to the conclusion that the *Arthaśāstra* was surnamed *Samānatantra*, does not even use the words 'it is possible' and refers in support of his dictum to the words 'samānam pūrveṇa', that occur several times in the *Arthaśāstra*; (vide e.g. I. 11. 10-12, XIV. 1. 26). All that those words mean is 'the rest need not be expressly stated but that some words or phrases already occurring in a previous sentence or part are to be understood as meant here also.' *Samānatantra* is a technical term in the *Nyāyasūtra* I. 1. 27-31 and *Vātsyāyana-bhāṣya*. *Tantra* means 'siddhānta' (*tantram pradhāne siddhānte* as *Amarakośa* says) i. e. a system of thought or philosophy. A *siddhānta* may be one of four kinds, viz. (1) *Sarvatantra*, (2) *Pratitantra-siddhānta* e.g. certain dogmas (such as *Prakṛti*, *Puruṣa* in *Sāṅkhya*) are common to *Yoga* i. e. to two systems (though in other matters they differ as the *Yoga* system does from *Sāṅkhya*) and are *Samānatantra*. The 3rd is 'adhikaraṇasiddhānta' and 4th is *abhyupagama-siddhānta*. The *Manusmṛti* insists on *Dharma* (spiritual and moral good) as the principal matter (or goal) and treats *artha* (material good or well-being) and *Kāma* (pleasures of sense) as inferior and calls upon all to give up *Artha* and *Kāma* that are opposed to *Dharma* (*Manu* IV. 176). On the other hand the A. (that is meant for the benefit of rulers ('*narendrārthe*' as he says) emphatically states 'Artha alone is supreme, for *Dharma* and *Kāma* depend upon *Artha*' (I. 7. 6-7). Thus, though *Manu* and *Arthaśāstra* deal with many matters that are common to both, the principles and emphasis are different and hence *Arthaśāstra* may be called parallel to (though not identical with) *Manusmṛti*. It may be noted here that the verse '*Pradīpaḥ sarvavidyānām*' (*Artha*° I. 2. 12) is quoted by the *Vātsyāyana-bhāṣya* (I. 1) only changing the last *pāda* into '*vidyoddeśe prakīrtitā*'.

Some Western scholars again and again harp on the point of non-mention as a valid ground for arriving at definite or positive conclusions. Winternitz (in *Cal. Review* 1924) could not avoid the temptation of pressing into service the non-mention of *Kautilya* in the *Mahābhārata* (p. 28). In the first place, Winternitz does not state what date he assigns to the *Mahābhārata*. Besides, various replies can be given to this useless argument. The great Epic ends upon the note of



Dharma (as the quotations below will show<sup>169</sup>) just like Manu's exhortations above. Even if Kauṭilya flourished before the epic there is no compelling reason why the epic should mention a writer with whom it had a fundamental difference. Other possible replies are that Kauṭilya was a contemporary or flourished slightly later or earlier than the Mahābhārata as we have it.

If one were to write on Western Scholars' frequent use of non-mention\* of a person or work by other works or authors as a good reason for coming to positive or definite conclusions, a volume would have to be written. But I must add one more glaring instance of this perverse tendency among certain Western writers (and the instance is very relevant here). Dr. Jolly (Intro. to A. p. 47) remarks 'Patañjali in his Mahābhāṣya refers to the Mauryas and to the Sabhā of Candragupta but is silent about Kauṭilya'. The Mahābhāṣya is an exposition of the Vārtikas of Kātyāyana and indirectly of Pāṇini's sūtras; it is quite wrong to suppose that it is a general work on Sanskrit authors and Literature or a thesaurus of all literary works in Sanskrit and the names of their authors (up to Patañjali's time). If some historical facts are stated in the Mahābhāṣya they are relevant for the purpose of explaining Pāṇini's sūtras and their application. To take first the reference to the Mauryas: It occurs in the Mahābhāṣya<sup>170</sup> on

- 169 ऊर्ध्वबाहुर्विरौम्येष न च कश्चिच्छृणोति माम् । धर्मार्थश्च कामश्च स किमर्थं न सेव्यते ॥ न जातु कामान्न भयान्न लोभाद्धर्मं त्यजेज्जीवितस्यापि हेतोः । धर्मो नित्यः सुखदुःखे त्वनित्ये जीवो नित्यो हेतुरस्य त्वनित्यः ॥ स्वर्गारो. पर्व, 5. 62-63.

\* The frequent reliance on non-mention by Jolly and Winternitz tempts me to refer to Prof. A. H. Sayce who rebukes the European scholars and especially Germans for their fondness for treating negative evidence as of great value in putting forward theories which broke down on further search (vide 'on Aryan problem fifty years later' in Antiquity vol. XI 1927) p. 204.

- 170 The words of the Mahābhāṣya on Pāṇ. V. 3. 99 are; अपण्य इत्युच्यते । तत्रेदं न सिध्यति शिवः स्कन्दः विशाख इति । किं कारणम् । मौर्वैर्हिरण्यार्थि-भिरर्चाः प्रकल्पिताः । भवेत्तासु न स्यात् । यास्त्वेताः संप्रति पूजार्थास्तान् भविष्यति । (Kielhorn's ed. Vol. II. p. 429). हिरण्य does not mean 'gold' where (at least in the Arthaśāstra) mean 'gold'. It is sometimes used in the sense of 'coins or cash'. In the Mahābhāṣya passage it

(Continued on the next page)

Pāṇ. V. 3. 99 ( Jīvikārthe cāpaṇye ). This says that the affix *Kan* ( *ka* ) is not applied to images of Gods that are meant to be sold, but that are installed for gaining livelihood ; e. g. an image of Śiva is called Śiva if it is not meant for being sold but is established for affording a living to the *Devalakas* ( priests of the idol ) ; while if an image of Śiva be meant for sale, it would be designated Śivaka, but would not be applicable to idols established by Maurya kings for collecting gold or cash ( from the offerings placed before the images ). Besides, the plural ' Mauryaiḥ ' is used. That is most important. There were nine or ten Maurya kings, who ruled in all for 137 years ( vide p. 171 above ). Therefore, reference is not to Candragupta at all but to his descendants after Aśoka, the last of whom was ultimately liquidated by *senānī* Puṣyamitra and whose doings Patañjali might have personally known or heard because he was very near in time. There is no occasion or necessity to bring in Kauṭilya here. Then a word must be said about Candraguptasabhā. On Vārtika 7 of Pāṇ. I. 1. 68 ( read with Pāṇ. II. 4. 23 ' sabhā rājāmanuṣyapūrvā ), we get the neuter gender for the compounds ' inasabham īśvarasabham ', but we have Rājasabhā ( not rājasabham ), Puṣyamitrasabhā and Candraguptasabhā ( and not Candraguptasabham &c. ). Here the question is one of pure grammar. It may be noticed that Patañjali mentions the Sabhā of the founder of the Mauryas and also of the destroyer of that dynasty ( viz. Puṣyamitra ). Aśoka was the greatest of the Mauryas, but owing to his Buddhist proclivities he was probably *persona non grata* with Patañjali. Following the logic of Dr. Jolly, Aśokasabhā not being mentioned in Patañjali it could have been argued that Aśoka did not exist or at least there was no Aśokasabhā. His Inscriptions and Buddhist works

( Continued from the previous page )

means ' cash or revenue in cash '. For example, the Arthaśāstra uses it in that sense e. g. in ' धान्यपङ्कभागं पण्यदशभागं चास्य भागधेयं प्रकल्पयामासुः ॥ I. 13. 6 ; चतुर्थे हिरण्यप्रतिग्रहमध्यक्षांश्च कुर्वीत ' I. 19. 12 ; अहिरण्यसुवर्णाः पाषण्डाः साधवः । III. 16. 39 ; महापशुमनुष्यक्षेत्रगृहहिरण्यसुवर्णसूक्ष्मवस्त्रादीनां स्थूलकद्रव्याणां द्विशतावरः पञ्चशतपरो मध्यमः साहस्रदण्डः । III. 17. 9. In this last both *hiranya* and *suvarṇa* are used ; therefore *suvarṇa* means ' gold ' and ' *hiranya* ' should mean ' coins or cash '.



vouch for his existence. Well then, the Purāṇas, Jain and Buddhist sources vouch for the existence of Kauṭilya and the A. itself proclaims that it is Kauṭilya's work; besides, writers from the third century A. D. at least onwards mention him. Why should not all Western scholars agree on this probability at least? Many of them treat Kauṭilya as if he were in the dock and regard themselves as advocates for the prosecution and eager to condemn and annihilate him. I can gauge or surmise the motives of some at least of them. But it is not necessary for my purpose here to dwell on them.

A. B. Keith (in J. R. A. S. for 1916 pp. 130-137) states that it is perfectly possible that the Arthaśāstra is an early work and may be assigned to the 1st century B. C. while its material is older (p. 137). He, however, held that the verse 'Yena śāstram ca śāstram ca' (at the end i. e. in XV. 1. 73) is unlike a statesman and very like the product of a follower who desired to extol his master. This is purely one man's subjective idea about what a person should have done (who flourished two thousand years before him). Jacobi (who assigns Kauṭilya to about 300 B. C. in I. A. Vol. 53 pp. 128-136) and others do not accept Keith's remark at all. Keith (on p. 136 of JRAS for 1916) says that Kauṭilya means falsehood. This is not accurate. Kuṭila means 'bent or crooked' as the Amarakośa says and as the Vārtika 'Anavanakauṭilyayor-iti vaktavyam' on Pāṇ. I. 3. 66 and Patañjali indicates (Kielhorn's ed. Vol. I. p. 290). In 1945, however, Keith appears to have changed even his first response to the publication of Kauṭilya's work and published a paper (in B. C. Law Presentation Vol. I. pp. 477-496) remarkable for its acrid and supercilious tone, where he observes 'there is no trace of a commanding intellect in the actual work before us (p. 486) and that Arthaśāstra does not exhibit any qualities of the type of Frederick the great, Mādhavācārya, Todarmal, Richelieu, Warren Hastings, Woodrow Wilson, Lenin and Churchill.' Dr. Jolly also (Intro. p. 33) sings the same tune, when he writes 'this however appears to be certain that his work is the outcome of a long period of literary activity in the field of polity rather than the production of a creative genius, another reason for not fixing its age limit too high'

Many scholars have contributed papers showing the indebtedness of Kālidāsa, Bhavabhūti and others to the Arthaśāstra. For example, vide Kunhan Raja Felicitation

Vol. pp. 48-54 and Proceedings of the 13th All India Oriental Conference, part 2 pp. 102-108 (Dr. Raghavan) for Kālidāsa's indebtedness to Kauṭilya). No scholar (except Dr. Pran Nath) puts the Arthaśāstra later than the 3rd century A. D. and most scholars place Kālidāsa between 350 to 450 A. D. Therefore, beyond serving to check or corroborate the text of A. such articles are not of importance in this section and so these matters need not be dwelt upon here.

From comparatively ancient times Cāṇakya *alias* Kauṭilya or Viṣṇugupta has been credited with the composition of a work on Arthaśāstra. The Kāmandakīyanītisāra<sup>171</sup> pays a glowing tribute of praise to Viṣṇugupta, who, single-handed, brought about the downfall of Nanda, bestowed the earth on Candragupta and distilled from the ocean of Arthaśāstra the quintessence, his work on politics. Kāmandaka further tells us that he looked upon Viṣṇugupta as his *guru*.<sup>172</sup> The Tantrākhyāyikā (H. O. S. vol. 14) which is certainly not later than 300 A. D. pays homage to Cāṇakya the Great as one of the authors of treatises on Politics.<sup>173</sup> Daṇḍin in his Daśakumāracarita (section VIII, p. 131, 2nd edition B. S. Series) says that the teacher Viṣṇugupta compressed Daṇḍanīti for the sake of the Maurya king into six thousand ślokas and quotes passages from Cāṇakya.<sup>174</sup> Bāṇa associates the work of Kauṭilya with harsh and cruel expedients. The Pañcatantra identifies Cāṇakya and Viṣṇugupta and speaks of Cāṇakya as the author of Arthaśāstra

- 171 यस्याभिचारवज्रेण वज्रज्वलनतेजसः । पपात मूलतः श्रीमान् सुपर्वा नन्दपर्वतः ॥  
एकाकी मन्त्रशक्त्या यः शक्त्या शक्तिधरोपमः । आजहार नृचन्द्राय चन्द्रगुप्ताय  
मेदिनीम् ॥ नीतिशास्त्रामृतं धीमानर्थशास्त्रमहोदधेः । समुद्दधे नमस्तस्मै विष्णु-  
गुप्ताय वेधसे ॥ काम. I. 4-6.
- 172 'विद्याश्चतस्र एवैता इति नो गुरुदर्शनम् ।' काम० II. 6 ; 'चतस्र एव  
विद्या इति कौटिल्यः' कौटिलीय I. 2.
- 173 मनवे वाचस्पतये शुक्राय पराशराय ससुताय । चाणक्याय च महते नमोस्तु  
नृपशास्त्रकर्तृभ्यः ॥ verse 2.
- 174 'इयमिदानीमाचार्यविष्णुगुप्तेन मौर्यार्थे षड्भिः श्लोकसहस्रैः संक्षिप्ता ।' दश-  
कुमार० VIII ; सत्यमाह चाणक्यः 'चित्तज्ञानानुवर्तिनोऽनर्थ्या अपि विप्र-  
स्युः । दक्षिणा अपि तद्भावबहिष्कृता द्वेष्या भवेयुः' दशकुमार VIII. Compare  
कौटिलीय V. 4 verses at the end.



(*vide* part I. p. 2 ed. by Kielhorn, part II. p. 65 and part III. 50 ed. by Bühler). Kauṭilya figures very largely in the Purāṇas (*vide* Pargiter's 'Dynasties of the Kali age' pp. 69-70 and Viṣṇupurāṇa 4. 24. 26-28). He has a prominent place in the Brhatkathā of Guṇādhyā as appears from the works of Kṣemendra and Somadeva. The Mṛcchakaṭika (I. 39, B. S. series) refers to Cāṇakya. The Mudrārākṣasa identifies Cāṇakya and Kauṭilya and suggests the derivation of the latter name from 'Kuṭila' (crooked). Some of the above items of information are supported by the personal references contained in the Arthaśāstra itself. At the end of the first *adhikaraṇa* Kauṭilya is said to be the author of the Śāstra and at the end of the 10th chapter of the second *adhikaraṇa* Kauṭilya is said to have laid down the rules for royal edicts for the sake of the king.<sup>175</sup> The last verse<sup>176</sup> tells us that he, who impatiently wrested the earth from the Nanda king, composed the work and after the colophon a verse tell us that, seeing the differing interpretations of bhāṣyakāras on the Arthaśāstra, Viṣṇugupta himself composed the sūtra and the bhāṣya.

Kauṭilya gives his own definition of Arthaśāstra in Adhikaraṇa XV. 1. It means 'means of the subsistence of men are artha (wealth) i. e. the earth (land) inhabited by men.' The science which is the means of gaining and protecting that earth is the science of Artha (Politics) (Manu-  
syāṇām vṛttir-arthaḥ manuṣyavatī bhumirityarthaḥ; tasyāḥ  
pṛthivyā lābhapālanopāyaḥ śāstram-arthaśāstram-iti). The Kauṭilya appears to employ the word Nītiśāstra in the sense of Arthaśāstra in V. 4. 3 (anātmavān hi nītiśāstradveṣād-  
anarthyaśamyogādvā prāpyāpi mahad-aiśvaryam na bhavati. The very first sentence of the Arthaśāstra foreshadows the definition of the term in XV. 1 viz. 'this single (treatise) on the science of Politics has been composed mostly by bringing together (the dicta of) as many treatises on the science of

175 सुखग्रहणविज्ञेयं तत्त्वार्थपदनिश्चितम् । कौटिल्येन कृतं शास्त्रं विमुक्तग्रन्थविस्तरम् ॥  
कौटिलीय I. 1 ; सर्वशास्त्राण्यनुक्रम्य प्रयोगमुपलभ्य च । कौटिल्येन नरेन्द्रार्थे  
शासनस्य विधिः कृतः ॥ कौटिलीय II. 10.

176 येन शास्त्रं च शस्त्रं च नन्दराजगता च भूः । अमर्षेणोद्धृतान्याशु तेन शास्त्रमिदं  
कृतम् ॥ दृष्ट्वा विप्रतिपत्तिं बहुधा शास्त्रेषु भाष्यकाराणाम् । स्वयमेव विष्णुगुप्तः  
कार सूत्रं च भाष्यं च ॥

politics as have been composed (established) by former teachers for the acquisition and protection of the earth'.

The first question that arises for consideration is the authenticity of the work, that is, the question whether it can be the work of the famous minister of Candragupta Maurya, who was a contemporary of Alexander, and who must therefore have flourished about 320 B. C. This question very largely depends upon the age of the work. But other considerations, more or less of a subjective character and depending upon the absence of certain things from the *Kautiliya*, must be dealt with first. Jolly, Keith and Winternitz hold that the extant *Kautiliya* is not the work of the Maurya minister. One argument, viz. that a person like Cāṇakya who had to build a vast empire such as that of Candragupta and who was bent down with the cares of the empire could not have found time to write such a work, may be brushed aside as entirely futile, being a purely subjective argument. Some persons may say that he could have found time, just as Sāyaṇa and Mādhava could find in later days, to write such a work in the midst of all cares, while others may deny the possibility of such a thing. Similarly, most of the arguments from the silence of the *Kautiliya* are also quite unconvincing and lead to no certain and universally acceptable conclusion. The non-mention of Pāṭaliputra or of the empire of Candragupta is of very little use in deciding the question of the authenticity of the work. The argument of Stein and Winternitz that in Megasthenes' account of India no great person named Cāṇakya or *Kautiliya* appears and that the former's account of the condition of India does not tally with that presented by the *Kautiliya* is of very little weight. We have no means for finding what proficiency Megasthenes had acquired in the languages of India so as to be able to hold conversation with all sorts and conditions of men. Besides, it is well known that Megasthenes' writings have been handed down in a fragmentary state and that he often spins his own yarns. Megasthenes declares the Indians to be unacquainted with writing. But no Western scholar would now subscribe to the view that writing was unknown in India about 320 B. C. Dr. Jolly himself has to remark that the idealising tendency in Megasthenes greatly impairs the trustworthiness of his statements (p. 40, Introduction to *Kautiliya*). This question of the authenticity of the work is bound up with the question whether it can be the work of an individual author or whether it is the product of a school.

Hillebrandt vehemently argues that it is the product of a school and Jacobi as vehemently repudiates that hypothesis. The great stumbling block according to many scholars in the way of regarding Kauṭilya as the author of the work is the fact that the views of Kauṭilya are cited by name about 80 times in the work itself, almost always in opposition to the views of other teachers. But there is nothing specially to be wondered at in this. In order to avoid looking too egoistic, ancient authors generally put their own views in the third person as said by early writers like Medhātithi and Viśvarūpa.<sup>177</sup> It has to be admitted that the first person singular also is used by ancient writers, though rarely.<sup>178</sup> Jacobi (I. A. for 1918 p. 188) and Keith are both wrong in thinking that the view of Kauṭilya is criticized by Bhāradvāja in V. 6. Kauṭilya states his position first and then mentions the view of a predecessor.<sup>179</sup> Dr. Jolly (Intro. to Kauṭilya p. 44) is wrong in his explanation of Apadeśa (in XV. 21).<sup>180</sup> That word is applied to passages which mean 'this or that author says this or that' and the Kauṭilya cites from his own work a case of the statement of various views on a certain point. These words do not at all indicate that according to the Arthaśāstra Kauṭilya was a stranger. Apadeśa is one of the 32 tantrayuktis (devices or patterns of the *tantra* i. e. the system propounded in the work). It should be noticed that all the 32 tantrayuktis are exemplified from the Kauṭilya itself and in illustrating the word 'apadeśa' in Adhikaraṇa 15 the author quotes an example (out of many in the work itself) from its first adhikaraṇa. Apadeśa seems to mean 'a statement or declaration.' The word Apadeśa occurs also in IV. 8. 2. The words of Dr. Jolly (Intro. p. 44) are rather misleading. He says 'the numerous references to opinions of K. in the body of the work are in the Tantrayukti chapter explained as coming under the head of Apadeśa'. K. is exem-

177 'प्रायेण ग्रन्थकाराः स्वमतं परापदेशेन ब्रुवते' मेधातिथिः ; on याज्ञ. I. 2 विश्वरूप says 'किं तु भगवतैव परोक्षीकृत्यात्मा निर्दिश्यते स्वप्रशंसानिषेधात्'.

178 यास्क says 'तान्यप्येके समामनन्ति...तत्समामने' निरुक्त VII. 13 ; vide याज्ञ. I. 56 ( न तन्मम मतं यस्मान् &c. ) and II. 133.

179 एवमेकैश्वर्यममात्यः कारयेदिति कौटिल्यः । नैवमिति भारद्वाजः ।

180 एवमसावाहेत्यपदेशः । 'मन्त्रिपरिषदं द्वादशमात्यान् कुर्वीतेति मानवाः बार्हस्पत्याः विंशतिमित्यौशनसाः, यथासामर्थ्यमिति कौटिल्यः' इति.



plifying the various devices ( *yuktis* ) that have to be employed in expounding his system. The three opinions including his own have already been stated. There are many examples of *apadeśa* in the work apart from the one mentioned in XV ( as on I. 8, I. 17. 4-22, II. 7. 11-15, VIII. 1, VIII. 3 ). Keith thinks ( J. R. A. S. 1916 p. 135 ) that as Kauṭilya is derived from Kuṭila, an author will not cite his own views under such an epithet. It is not unlikely that Cāṇakya acquired the epithet Kauṭilya on account of his methods in dealing with the Nandas and that as he did so from no purely selfish motives but for ridding the country of such tyrants as the Nandas are represented to have been, he might have come to relish the name given to him by the people. It has to be noted in this connection that many of the writers quoted in the Kauṭilya bear nicknames ( such as Piśuna, Vātavyādhi, Kaṇapadanta ). This leads to the question as to whether the name is Kauṭilya or Kauṭalya. Hillebrandt seems to imply that all mss. employ the first form, while Pandit T. Ganapatisastri says his mss. support the latter form though in the first few pages he prints Kauṭilya. Mss. of the Kādambarī, the Pañcatantra and other works support the form Kauṭilya and the Mudrārākṣasa does the same by pointedly hinting at the etymology. A com. on the Kāmandakīyanī-tisāra styles the Kauṭilya as Kuṭalabhāṣya and Kuṭala is said to be a *gotra*. The form Kauṭalya is said to occur in an inscription at Ganesar in Dholka dated Vikrama Samvat 1291 ( i. e. 1234-35 A. D. ). Vide Indian Historical Quarterly vol. I. p. 786. It is very difficult to decide between the rival claims of the two forms, but it appears that the form of the name, Kauṭalya, is due to a later attempt to solve the difficulty of an author parading his views as those of a man nicknamed "crooked." Whether Kuṭala or Kauṭalya was known as a *gotra* ṛṣi in ancient times is extremely doubtful. Neither the Āśvalāyana-śrauta-sūtra ( Uttaraśatka, 6th chap., 10th Kaṇḍikā ) nor the Āpastamba-śrauta-sūtra ( 24. 5-10 ) mentions Kuṭala among the several *gotra* groups. In later works on *gotras*, we find the name in several forms. In the Pravaradarpaṇa of Kamalākara Kauṭali is said to be one of the Jāmadagnya-Vatsa group of the Bhṛguś ( p. 156 edited by P. Chentsalrao, Mysore ) and Kauṭilya is assigned to the Yaska group of the Bhṛguś ( p. 158 ). The Pravaramaṇa enumerates the Kauṭilyas ( p. 32, of the edition by P. Chentsalrao )



rao, Mysore ) among the Yaska group of the Bhṛguś, also among the Śaradvanta group of the Gautamas, a branch of the Āngirasas ( p. 161 ) and Kauṭīli as one of the Bhṛguś ( p. 42 ).

In connection with the Arthaśāstra of K. the following questions arise ( and arguments on them become mixed up ). I. Was there a person called Kauṭilya or Cāṇakya, who helped king Candragupta and was his minister ; II. Did he write a work on Polity ; III. Was the work in prose or verse or both ; IV. Is the extant Arthaśāstra substantially the same work that was originally written by Cāṇakya or Kauṭilya ; V. Is Viṣṇugupta mentioned in a verse occurring at the end in some mss. the same as Kauṭilya or Cāṇakya or different.

The preceding pages contain answers to some of these questions. On the available evidence there is hardly any doubt that Kauṭilya and Cāṇakya are names of the same person and that he helped Candragupta in the early part of his career ( reply to question I ) ; Kauṭilya or Cāṇakya was the author of the extant Arthaśāstra as stated in the work itself and in the Tantrākhyāyikā, Kādambarī and Daśakumāracarita ( reply to question II ). The work was in prose with a verse or verses at the end of each chapter and sometimes in the middle also. This will be elaborated a little later ( reply to question III ). The extant work is substantially the same as originally written, but it is likely that some matter was interpolated later. Some portions dropped out owing to its unpopularity ( evidenced by Bāṇa ) and the great lack of mss. of the work ; same possible interpolations have been pointed out in several places ( reply to Question IV ) ; Viṣṇugupta is the name given at *Nāmakaraṇa* and Viṣṇugupta, Cāṇakya and Kauṭilya are the names of the same person ( reply to V ). It has been shown that the Nītisāra ascribes the work to Viṣṇugupta, the Tantrākhyāyikā speaks of Cāṇakya as the author of a *nṛpa-śāstra*, the Kādambarī ascribes the Śāstra to Kauṭilya, the Daśakumāracarita identifies Viṣṇugupta and Cāṇakya and the Mudrārākṣasa gives the three names as those of the same person.

The Purāṇas are mainly concerned with the periodic creation and destruction of the world, the royal dynasties and their doings ( i. e. with history ) and holy places, penances, vratas, contents of the Vedas, their auxiliary lores ( i. e. Vedāṅgas ), the composition and number of the Purāṇas and



Dharmaśāstra matters ( and much of this in a prophetic vein ) and they hardly ever refer to secular works except in comparatively later Purāṇas. There is no wonder, therefore, that even when some of them refer to Kauṭilya as instrumental in uprooting the Nandas and placing a strong and capable ruler like Candragupta on the Magadha throne ( that is history, Vamśa and Vamśānucarita ), they are generally silent about the names and authors of secular works like the Arthaśāstra and the works of poets and dramatists like Bhāsa and Kālidāsa.

Before proceeding to discuss the age of the Kauṭilya, it is advisable to say a few words on the form, style and contents of the work. The work is divided into 15 adhikaraṇas, 150 chapters, 180 topics and contains 6000 ślokaś ( i. e. units of 32 letters ). The work is in prose interspersed with a few verses. Each chapter has at the end at least one verse and sometimes more ; for example, at the end of VII. 3 there are 15 verses, 14 at the end of VII. 18, 12 at the end of VIII. 5, 8 at the end of VII. 6 and VII. 13. Even in the middle of some chapters occur some verses, excluding *mantras* e. g. in I. 8 ( one ), I. 15 ( 2 ), II. 10 ( 12 ), II. 24 ( 5 ), V. 6 ( 1 ), VII. 5 ( 9 ), VII. 6 ( 1 ), VII. 13 ( 2 ), X. 3 ( 2 ), XIII. 4 ( 1 ), XIV. 2 ( 4 ). There are about 375 verses in all ( excluding *mantras*, but including some obvious quotations ). Almost all verses are in the Anuṣṭubh metre ; there are 2 classical Upajātis in II. 9 ( 32-33 ), 5 Upajātis in II. 10, one Puṣpitāgrā in II. 12 ( 10 ); in all eight verses that are not Anuṣṭubh. Some scholars are inclined to regard the chapter on Śāsanas as a later interpolation, principally on the ground of the number of verses in it that are not Anuṣṭubhs. This is wrong. If we look to the Mahābhāṣya that quotes Kārikās and verses in metres other than Anuṣṭubh, we shall have to hold that long before 150 B.C. ( the generally accepted date of the Mahābhāṣya ) many classical metres had been developed ; for example, *kārikās* in Āryā metre ( on Pañ. I. 1. 57 and on I. 2. 51, on Pāṇ. VI. 1. 77 and VII. 1. 78 there are Kārikās in Indravajrā, on I. 4. 109 there is Vidyunmālā, there is Vasantatilaka on Vārtika I on Pāṇ. III. 2. 26 ( Kielhorn's ed. Vol. II. p. 102 ), there is a Rucirā on p. 409 vol. III. There are such quotations as ' asidvitiyoś nusasāra Pāṇḍavam ' ( Kielhorn vol. I. p. 426 on II. 2. 26 ), which is a Vamśasthapāda. The largest number of verses occurs in Adhikaraṇa VII ( 89 verses ), then come Adhikaraṇa

II (71 verses) and Adhikaraṇa I (with 46). The smallest Adhikaraṇa is XI (with less than three printed pages and has only one verse) and the longest Adhikaraṇa is the second dealing with Adhyakṣapracāra and covering nearly one-fourth of the whole work. In the absence of early works on Arthaśāstra prior to Kauṭilya it is almost impossible to say how many of the verses in K. are borrowed or how many are his own composition. There can be no doubt that some of these verses are his own composition e. g. the two verses (16-17) at the end of I. 10, where respectively the views of the ācāryas and of Kauṭilya (iti Kauṭilya-darśanam) are set forth must be held to be his own. It may be said that some verses are quotations. For example, the verse 'nāsyā guhyam pare' at end of I. 15, connected with his own word ('kurvataśca') in the last sentence, is a quotation. But a difficulty arises that this verse is almost the same as Manu VII. 105 and similar to Śānti 140-24. Similarly, the verse 'Samvatsareṇa patati &c.' (Artha. IV. 7. 28) is almost the same as Śānti 165. 37, Manu XI. 180, Baud. Dh. S. II. 1. 62, Vasiṣṭha I. 22 and Viṣṇu Dh. S. 35. 3-5 first half). In this case it is difficult to say who borrows from whom, but it is probable that Kauṭilya borrowed from Śāntiparva or Baud. A half verse<sup>181</sup> in A. III. 14. 27 (anāhitāgniḥ śatagur-ayajvā ca sahasraguḥ) is found in Manu XI. 14, Śāntiparva 165. 9 and in Gaut. Dh. S. 18. 26-27), all three in another connection). A. III. 7. 1-2 (in prose) have almost the same idea and words as Manu 8. 332.<sup>182</sup> It is noteworthy that they

- 181 शतगोरनाहिताग्नेः । सहस्रगोश्चासोमपात् । गौ. ध. सूत्र XVIII. 26-27 ; योऽनाहिताग्निः शतगुरयज्वा च सहस्रगुः । तयोरपि कुटुम्बाभ्यामाहरेद-विचारयन् ॥ मनु XI. 14 and शान्तिपर्व 165. 9.

The gist of all these passages is that, in the case of a brāhmaṇa's daughter's marriage or in case he has begun some religious rite and his means fall short, he may take (without payment) as much as is required for the purpose in hand (and not more) from a rich śūdra or even from a person of another varṇa who has, though possessed of a hundred cows, not consecrated the sacred Vedic fires or who has not performed a soma sacrifice though owning a thousand cows. A. employs this in another connection (on 'dāsakarmakara-kalpa') in III. 14. 37-38.

- 182 स्यात्साहसमन्वयवत्प्रसभं कर्म यत्कृतम् । निरन्वयं भवेत् स्तेयं हत्वापव्ययते यत् ॥ मनु. 8. 332 ; compare कौ. III. 17. 1-2 साहसमन्वयवत्प्रसभं कर्म निरन्वये स्तेयम्, अपव्ययने च ।



are introduced with the words 'apīha ślaukau bhavataḥ' and follow a quotation from or summary of a Vedic passage. Twelve verses in VII. 9 are introduced with the words 'tatra itaḥ bhavati' and may be quotations. A few of the verses bear a close resemblance to verses of other works; e. g. the verse 'prṣṭaḥ priyahitam brūyāt' (in V. 4) which is very similar to Manu. 4. 138. In some cases he connects verses with his own words, e. g. the words 'kurvataśca' with 'nāśya guhyam' (at the end of I. 15) and the last verse of II. 25. The style of the Kautīliya is simple and direct. It is not concise like that of the Vedānta or Vyākaraṇa sūtras. It resembles the dharmaśūtras of Gautama, Hārīta and Śaṅkha-Likhita, but is not as archaic as that of Āpastamba. According to the commentaries the several headings of the prakaraṇas are sūtras and the contents of them the bhāṣya (vide *Nayacandrikā* pp. 137, 143-44 &c., edited by Dr. Jolly). It abounds in numerous technical and rare terms. It is generally in accordance with Pāṇini's grammar, though such un-Pāṇinian words as pāpīṣṭhatama' (in VII, 11) rarely occur. It employs the word 'avyaya' in the masculine (II. 10. 19), while Pāṇini (I. 1. 37) employs 'avyayam'.

A. employs such gerunds as 'nistārayitvā' in IV. 12. 38, 'pravāsayitvā' in XII. 4. 4 and 'abhimāntrayitvā' in XIV. 3. 45.

The whole work on account of its careful arrangement of topics and unity of design impresses one as the product of a single brilliant mind. Like a modern work it gives an exhaustive table of contents, divides the work into fifteen Adhikaraṇas, these into chapters and prakaraṇas and often refers to its own remarks in a preceding or following chapter e. g. in I. 12. 17 K. refers to spies spoken of in Kaṇṭakaśodhana (i. e. in IV 4. 3), in VII. 3. 6. (ābaliyasam vā yogam-ātiṣṭhet) he refers to Adhikaraṇa XII. which is labelled 'Ābaliyasam'; On XIII. 1. 14 (tena parapakṣam-utsāhayet-yathoktam purastāt) he refers to I. 14. 6 ff; in XII. 2. 8-9 (yathā saṅghavṛtte ca vyākhyātam, yogāvāmane ca yaduktam, ātmarakṣitake &c.) he refers to XI. 1, XIII. 2 and I. 21 respectively. The 15th Adhikaraṇa (on Tantrayuktis) contains 32 references to previous passages. The Kautīliya sheds such valuable light on the social, economic, political and religious life of ancient

India and contains information on so many topics that it is not possible to convey any idea of its contents in a brief summary.

The subjects of the fifteen *adhyakṣaras* are:— I. the discipline of the king, sciences to be learnt by him, the place of *Anvikṣikī* and politics, qualifications of ministers and *purohita* and their temptations, the institution of spies, council meetings, ambassadors, protection of princes, duties towards harem, king's personal safety; II. about superintendents of various State departments, founding villages, pastures and forests, forts, duties of the chamberlain (*sannidhātā*), the commissioner for revenues from forts, country, mines, roads &c.; accountant-general's office; embezzlement of public funds; royal edicts; examination of precious stones for the treasury and mines; superintendent of gold (i.e. of coins issued from the mints); superintendent of store-house (of agricultural produce &c.), of commerce, of forests, of arms, of weights and measures, of tolls, of weaving, of liquor houses, of slaughter houses, of prostitutes, of shipping, of cows and horses, of the capital and cities; III. Administration of justice, rules of procedure, forms of marriage, duties of married couples, *strīdhana*, twelve kinds of sons; other titles of law; IV. removal of thorns, protection of artisans, merchants, remedies against national calamities such as fires, floods, pestilence, famines, demons, tigers, snakes etc.; suppression of those who live by foul means; detection of juvenile crime; arrest of criminals on suspicion, accidental or violent deaths, torture to extort confessions; protection of all kinds of State departments; fines in lieu of cutting off of limbs, sentence of death with or without torture; intercourse with maidens; punishment of fine for various wrongs; V. conduct of courtiers, award of punishment for treason, replenishing of treasury in case of emergency; salaries of State servants, qualifications of courtiers, consolidation of royal power; VI. constitution of the *maṇḍala*, seven elements of sovereignty, qualities of king, peace and arduous work as the source of prosperity; sixfold royal policy; threefold *śakti*; VII. circle of States is the field for the employment of the six lines of policy; the six *guṇas* (*sandhi*, war, neutrality, marching, taking shelter and *dvaiddhībhāva*); causes leading to the dwindling and disloyalty of armies; combination of States *sandhi* for the acquisition of a friend, gold or land; an enemy in the rear; recouping of lost strength; a neutral king and a circle

of States ; VIII. about *vyasanās* ( vices and misfortunes ) of the several elements of sovereignty ; troubles of the king and the kingdom ; troubles of men and of the army ; IX. work of an invader, proper time for invasion, recruitment of the army, accoutrements, internal and external trouble, disaffection ; traitors, enemies and their allies ; X. about war ; encamping the army, march of the army, battle-fields, work of infantry, cavalry, elephants &c., array of troops for battle in various formations ; XI. concerning corporations and guilds ; XII. *Ābaliyasam* ( concerning the attitude or conduct of the weaker king ) ;<sup>183</sup> XII. concerning a powerful enemy ; sending an envoy, intrigues, spies with weapons, fire and poison and destruction of stores and granaries ; capture of the enemy by stratagems ; final victory ; XIII. capture of forts ; sowing dissensions ; enticing of king by strategem ; spies in a siege ; restoring peace in a conquered country ; XIV. secret means, stratagems for killing an enemy, producing illusive appearances, medicines and incantations ; XV division of this work into sections and their illustrations.

It would be interesting to say a few words separately on the chapter about judicial administration. Dr. Jolly has collected together the passages of the Kautiliya on judicial administration that bear a very close resemblance to the several works on ancient Indian Law ( vide Z. D. M. G. vol. 67, pp. 51-90 ). It will be seen therefrom that there is the greatest correspondence between the Kautiliya and Yājñavalkya. It is

183 आबलीयसम्— must be treated as one word and not as two ( आबलीयसम् ) ; अबलीयस् would mean ' Weaker ', here a ' Weaker king ' ; आबलीयसम् would literally mean ' a chapter or work or practice concerning a weaker king '. It should be noticed that there are indications in the A. itself that we must take ' आबलीयसं ' as one word. For example, in VII. 3. 36 we have आबलीयसिकाः कार्यान्निविधा हीनसन्धयः ( these three kinds of treaties by the weak king should be entered into as ' practices for the weaker king '. The termination इक् is added here to आबलीयस as one word. If we read as आबलीयसम्, there are two difficulties ; firstly, if आ is a mere preposition we would require आबलीयांसम् ( if mas. ) or आबलीयः ( if neuter ). Besides, Pāṇ. IV. 3. 66 shows that आ is used in the sense of ' तस्य व्याख्यान इति ' and word means ' a work that explains how to become strong '. Vide Pāṇ. IV. 3. 37.





no doubt true that many passages from Manu and Nārada agree closely with those of the Kautiliya but not to the same extent as those of Yājñavalkya. A few striking examples are quoted below.<sup>184</sup> The question then arises whether there is borrowing and if so who the borrower is. The agreement in phraseology is so close that it must be regarded as a case of borrowing and in my opinion it is the Yājñavalkyasmṛti that borrows. The reasons are many. Yājñavalkya represents on numerous points of law a very great advance upon the doctrines of Kautilya. Kautilya does not contain distinct directions upon the four stages of a law suit (plaint, reply, proof and judgment) nor upon the threefold aspects of proof (documents, witnesses, prescription). Yājñavalkya goes into all these matters. The Kautiliya does not recognise the widow or mother as heir to a sonless man; Yājñavalkya does so. Kautilya does not mention the *bandhus* as heirs; he hardly says anything about re-union.<sup>185</sup> The Kautiliya divides the *strī-dhana* of a woman dying during her husband's lifetime among her sons and daughters, while Yāj. prefers the daughters to the sons.<sup>186</sup> Kautilya differs from all Dharmaśāstra authors (including Yāj.) in allowing a divorce on account of mutual hatred between husband and wife (III. 3. 16 'parasparam

184 (a) अभियुक्तो न प्रत्यभियुज्जीत अन्यत्र कलहसाहससार्थसमवायेभ्यः । न चाभियुक्तेऽभियोगोस्ति । कौ. III. 1-26 ; अभियोगमनिस्त्यै नैनं प्रत्यभियोजयेत् । कुर्यात्प्रत्यभियोगं च कलहे साहसेषु च ॥ याज्ञ. II. 9-10 ; (b) प्रतिरोधकव्याधिदुर्भिक्षभयप्रतीकारे धर्मकार्ये च पत्युः । कौ. III. 2-16 ; दुर्भिक्षे धर्मकार्ये च व्याधौ संप्रतिरोधके । गृहीतं स्त्रीधनं भर्ता न स्त्रियै दातुमर्हति ॥ याज्ञ. II 147 ; (c) सोऽर्थाणामनेकपितृकाणां पितृतो दायविभागः । कौ. III. 5. 14 ; अनेकपितृकाणां तु पितृतो भागकल्पना । याज्ञ. II. 120.

(d) नष्टापहृतमासाय स्वामी धर्मस्थेन ग्राहयेत् । देशकालातिपत्तौ वा स्वयं गृहीत्वोपहरेत् । कौ. III. 16 ; नष्टापहृतमासाय हर्तारं ग्राहयेन्नरम् । देशकालातिपत्तौ च गृहीत्वा स्वयमर्पयेत् ॥ याज्ञ. II. 169 ; (e) वानप्रस्थयतिब्रह्मचारिणामाचार्य-शिष्यधर्मभ्रातृसमानतीर्थ्या रिक्थभाजः । कौ. III. 16 ; वानप्रस्थयतिब्रह्मचारिणा रिक्थभागिनः । क्रमेणाचार्यसच्छिष्यधर्मभ्रात्रैकतीर्थिनः ॥ याज्ञ. II. 137.

185 But see 'अपितृद्रव्या विभक्तपितृद्रव्याः सह जीवन्तः पुनर्विभजेरन्' कौ. III. 5. 7. This contains a reference to reunion.

186 जीवति भर्तरि मृतायाः पुत्रा दुहितरश्च स्त्रीधनं विभजेरन् । अपुत्राया दुहितस्तदभावे भर्ता । कौ. III. 2. 36 ; अप्रजः स्त्रीधनं भर्तुर्ब्राह्मादिषु चतुर्विधं । दुहितुं प्रसूता चेच्छेषेषु पितृगामि तत् ॥ याज्ञ. II. 145.



dveṣān-mokṣaḥ). Kauṭilya ignores the widow or mother of a person as an heir, while Yāj. II. 135 recognises them as heirs if one dies without a son or daughter and the extant Manusmṛti also prescribes that the mother of a person dying childless would succeed as heir to him and if the mother also be dead the father's mother would inherit (IX. 217). It is not necessary to multiply examples. It goes without saying that Yājñavalkya represents a far too advanced stage of juristic principles than the Kauṭilya and so must be later than the latter by several centuries. The Kauṭilya agrees very closely with Manu also, but considerations of space prevent me from going into the points of agreement. There are however numerous fundamental points on which Manu and the Kauṭilya disagree.

Kauṭilya allows *niyoga* even in the case of Brāhmaṇas (last verse of III. 6 and at the end of I. 17 about kings). Manu first speaks of *Niyoga* and then condemns it (vide 9. 57-63 and 9. 64-68). As Brhaspati refers to this fact in Manu's work,<sup>187</sup> it appears that the passages condemning *niyoga* were put in probably earlier than the first centuries of the Christian era. Though Kauṭilya speaks of almost the same 18 titles as those in Manu (8. 4-7) almost under the same names, there is a slight difference. Manu has no such title as *Prakīrṇaka*. Kauṭilya speaks of *upanidhi* and extends the same rules to *Nikṣepa*, while Manu speaks of the title as *Nikṣepa*. The ancient dharma-sūtras do not give the technical names of the eighteen titles of law, though some of them do occur therein. Vākpārūṣya and Daṇḍapārūṣya occur in G. Dh. S. (12. 1) and Vas. (17. 61). Baud. seems to have known the term 'Strisaṅgrahaṇa' (Dh. S. II. 2. 54); *steya* occurs in all. Gautama speaks of *nidhi* (Dh. S. 12. 39). Manu positively says (9. 155) that the son of any member of the first three *varṇas* from a Śūdra woman does not inherit his father's wealth (though the preceding verses 151-154 seem to lay down different rules), while Kauṭilya allows such a son a share when there are sons born to a Brāhmaṇa from wives of higher castes or one third when he has no other sons (III. 6. 22). Manu expressly mentions the mother and paternal grandmother as heirs (9. 217), while Kauṭilya appears to

187 बृहस्पति's words are 'उक्तो नियोगो मनुना निषिद्धः स्वयमेव तु'; वृहस्पतिः कुरुक on मनु 9. 68 for the whole quotation.

ignore them. Manu prohibits the remarriage of widows ( V. 161-165 ), while Kauṭilya allows not only widows to remarry, but also wives whose husbands have not been heard of for a year or more according to circumstances ( III. 4. 37-38 ). Kauṭilya allows a wife to desert her husband, if the latter is of a bad character, has become a traitor to the king, endangers her life or has become an outcaste or impotent<sup>188</sup> ( last verse of III. 2 ). Kauṭilya further seems to have allowed divorce which is unknown to any other known lawgiver, but he bases it only on the ground of mutual hatred and says that a marriage in the approved forms cannot be dissolved<sup>189</sup> ( III. 3. 19 ). Manu is very harsh upon gamblers and asks the king to suppress gambling and banish gamblers ( 9. 221-224 ), while Kauṭilya only brings gambling under the control of the King for the purpose of detecting thieves &c. ( III. 20. 2 ). Manu first allows a Brāhmaṇa to marry even a Śūdra woman and then condemns such a thing ( III. 13-19 ), while Kauṭilya does not condemn such unions. These divergences and others lead us to conclude that the Kauṭilya is much older than the extant Manusmṛti, which is in many matters carried away by puritanic zeal, while its older portion is more in harmony with the spirit of the Kauṭilya. Therefore, the Kauṭilya is long anterior to the time when the extant Manusmṛti took its present form. The Kauṭilya refers to the opinion of the Mānavas in five places. Two of the views ascribed to the Mānavas by Kauṭilya are the same as those which Kāmaudaka ( II. 3 and XI. 67 ) ascribes to Manu. According to the Mānavas, the *vidyās* to be studied by a prince were three, viz. trayī, vārtā and daṇḍanīti, what is called ānvīkṣikī being but a branch of trayī; and the council of ministers was to consist of twelve. The Manusmṛti ( 7. 43 ) appears to regard the *vidyās* as four and lays down ( 7. 54 ) that the Council should consist of seven or eight *sacivas*. Bühler and others on account of this difference in the views of the Mānavas and the Manusmṛti thought that Kauṭilya was referring to the Mānavadharmasūtra. In my humble opinion the evidence for the existence

188 नीचत्वं परदेशं वा प्रस्थितो राजकिल्बिषी । प्राणाभिहन्ता पतितस्त्याज्यः क्लीबोपि वा पतिः ॥ कौ० III. 2. 48.

189 अमोक्ष्या भर्तुरकामस्य द्विषती भार्या । भार्यायाश्च भर्ता । परस्परं द्वेषान्मोक्षः । अमोक्षो धर्मविवाहानामिति । कौ० III. 3. 15, 16, 19.



of a Mānavadharmasūtra is practically nil, as detailed above in section 13. From the references to Svāyambhuva Manu and Prācetas Manu contained in the Mahābhārata, particularly in the Śānti and Anuśāsana parvans it appears that there were two works in verse on *dharma* and politics attributed to these two or there was one work containing both. These works were subsequently recast as the Manusmṛti. It is therefore that some difference is noticed between the views ascribed to the Mānavas and the extant Manusmṛti. Besides, there is no real conflict in the matter of *vidyās*. The Manusmṛti does not positively say that the *vidyas* are four and not three; it simply says from whom *trayī* and the other three are to be learnt (VII. 43). The Manusmṛti (in 7. 60) allows more ministers than seven or eight. It is possible that in recasting several changes were made. The third opinion of the Mānavas quoted by Kauṭilya is about the fine to be imposed upon officers of the State occasioning loss of revenue (II. 7). The other two views of the Mānavas quoted are concerned with the fine to be imposed on false witnesses and for forcible seizure of jewels<sup>190</sup> &c. It must be admitted that in the extant Manusmṛti there is nothing exactly corresponding with these views. But from this fact no one conclusion alone can be drawn. There may be a mistake in quoting, or there may be interpolations, it may be that some of the verses in the original Manusmṛti have dropped out or that the Kauṭilya is quoting not the Manusmṛti itself, but the views of works based on or explanatory of Manu. It is noteworthy that Brhaspati<sup>191</sup> contains a verse very similar to the views on the *sāhasa* attributed to the Mānavas. We shall see below that Brhaspati's work was more or less a supplement of Manu. The only authors or schools, besides the Mānavas, cited by name in the dharmasthīya section are the Bārhaspatyas and the Auśanasas. It is remarkable that the well-known and ancient Dharmaśūtrakāras like Gautama, Āpastamba, Baudhāyana, Vasiṣṭha, Hārīta are nowhere quoted by name. It is noteworthy that in the dharmasthīya section the Kauṭilya several

190 कूटसाक्षिणो यमर्थमभूतं कुर्युर्भूतं वा नाशयेयुस्तद्दशगुणं दण्डं दयुरिति मानवाः ।  
कौ. III. 11. 45 ; रत्नसारफल्गुकुल्यानां साहसे मूल्यसमो दण्ड इति मानवाः ।  
कौ. III. 17. 3.

191 स्त्रीपुंगोहेमरत्नानि देवविप्रधनं तथा । यौधेयं चोत्तमं द्रव्यमेषां मूल्यसमो  
बृहस्पति quoted in व्यवहारमयूख on साहस.



times quotes the views of ācāryas and of some others under the word "apare". Some of these views correspond closely with the discussions in the ancient dharmasūtras. One of these is the question as to whom the child belongs, to the begetter or to him on whose wife it is begotten. Kauṭilya first quotes the view of the ācāryas that it belongs to the husband of the mother of the child, then says that some hold that it belongs to the begetter, while Kauṭilya holds that it belongs to both.<sup>192</sup> It is to be noted here that both Baud. and Āp. say that according to the Brāhmaṇa texts the sons belong to the begetter, while Vasiṣṭha says there is a dispute on the point, both views being supported by ancient authorities. Gautama speaks of both views and at last (18. 13 "dvayorvā") seems to come to the same conclusion as Kauṭilya. It is not unlikely that Kauṭilya has in mind this discussion in the Dharma-sūtras and also in Manu (9. 48-54 where the view is that the child belongs to the husband of the woman). Some of the other views attributed to ācāryas are that a woman could visit the houses of her husband's relations, of prosperous men, of village headmen, of female ascetics &c. (III. 4); that very poor men could divide even waterpots at a partition (III. 5); that the master who did not employ a servant ready to work according to agreement had to pay the wages agreed upon as if the work had been finished (compare Viṣṇu V. 157); he who forcibly confined a man or woman or who by force released another from imprisonment was to be fined between 500 and 1000 (III. 17. 10); that disputes of a remote date shall not be complained of and that he who is the first to complain wins, since one runs (to court) as one cannot bear the pain (III. 19. 19); that in a complaint by one gambler against another, the successful party has to pay the fine called pūrvasāhasa and the defeated party the fine called madhyasāhasa (III. 20. 3).

The foregoing discussion about the dharmasthīya section shows that in the sphere of the administration of justice, Kauṭilya is far in advance of the dharmasūtras of Gautama,

192 परपरिग्रहे बीजमुत्सृष्टं क्षेत्रिण इत्याचार्याः । माता भव्वा यस्य रेतस्तस्यापत्य-  
मित्यपरे । विद्यमानमुभयमिति कौटिल्यः । कौ. III. 7. 1-3. Compare  
गौ. ध. सू. 18. 9-13, बौ. ध. सू. II. 2. 34-36, आप. ध. सू. II. 6. 13  
5-6 (where the same three verses as in Baud. occur), वसिष्ठ 17. 6-9

Āpastamba and Baudhāyana and so is later than these (though in certain matters such as the rights of women to succeed to males he closely agrees with Gautama and Āpastamba), while he is earlier than the extant Manusmṛti (though not earlier than the oldest kernel of the Manusmṛti) and very much earlier than Yājñavalkya.

The Adhyakṣapracāra (adhikaraṇa II) contains much original matter, though adhyakṣas were known before Pāṇini and although Manu VII. 81 provides that the king should appoint various clever adhyakṣas, no work gave an elaborate treatment of the work they were to do. Similarly, though Manu (IX. 252-53) emphasizes that the king should suppress *kantakas*, there is hardly any treatment in Manu of that topic. All matters dealt with in some chapters of this section IV do not deal with criminal matters but rather unsocial or reprehensible matters. K. is conscious of this in IV. I. 65. 'The king should prevent from troubling the country those who are really thieves but are not known as thieves such as traders, artisans, actors, mendicants, jugglers and others'. This shows that Kaut. was a very capable administrator. He mentions about twenty-five departments and the adhyakṣas over them. The most important adhyakṣa was the Samāharṭṛ (Revenue Commissioner) in II. 6 and 35. Other important officers were the Pradeṣṭās (Magistrates) (IV. 1). Three of them were of the rank of ministers and were charged with the work of suppressing criminals or undesirable persons. A. provides (in IV. 9. 1) that the Samāharṭṛ and the magistrates (pradeṣṭārah) should check the heads of departments and their subordinates and in (IV. 3. 16) provides for the punishment by fines of judges (Dharmasthas) if they threaten, upbraid or drive away a litigant or are guilty of other misconduct (IV. 9. 13-16). K. also provides for the punishment of magistrates in IV. 9. 20. K. shows great originality and makes elaborate provisions for the several departments of the State and his section on Adhyakṣas occupies a little less than one-fourth of the whole work. It should be noted that from II. 10 p. 48 up to III. 3. p. 101 and again from III. 20. p. 129 to V. 5. p. 160, K. makes no reference to divergent views at all.

The question of the date of the Kautīliya can be settled only approximately and for that we have to rely only on the internal evidence. The external evidence does not carry us far.





we can only say that the Kauṭilya is certainly not later than the 2nd century A. D., since Kāmandaka, the Tantrākhyāyikā and Bāṇa, speak of it with admiration. No one claims it to be earlier than 300 B. C. Even Keith who assigns it a late date and cannot place it earlier than 100 B. C. at the most has to admit (J. R. A. S. 1916, p. 135) that for a precise date we have no real ground.

The Kauṭilya quotes five schools by name: Mānavāḥ ( five times ), Bārhaspatyāḥ ( 6 times ), Auśanasāḥ ( 7 times ), Pārāśarāḥ ( 4 times ), Āmbhīyāḥ ( once ); and the following individual authors; Kātyāyana ( 1 ), Kiṅjalka ( 1 ), Kauṇapadanta ( 4 ), Ghoṭakamukha ( 1 ), ( Dīrgha ) Cārāyaṇa ( 1 ), Parāśara ( 2 ), Piśuna ( 6 ), Piśunaputra ( 1 ), Bāhudantiputra ( 1 ), Bhāradvāja ( 7, once as Kaṇṇika Bhāradvāja ), Vāta-vyādhi ( 5 ), Viśālākṣa ( 6 ). He either differs from all these authors or they differ from each other in all the places where they are cited. All the individual authors ( except Bāhudantiputra ) that are cited only once occur in V. 5. 11 on the same page. Kauṭilya quotes the views of ācāryas about 53 times and in all cases ( except in VII. 11. 37-38 ) he negatives their opinions. The word ' Ācāryāḥ ' means all or the great majority of the ancient authors on a śāstra collectively. Vide the author's paper on ' the meaning of Ācāryāḥ ' in BORI. Silver Jubilee Vol. 1942, pp. 206-213. Kauṭilya is cited 83 times against some author or other ( except in three cases viz. in III. 4. 36, VII. 15. 11, XIII. 4. 5 ). It is clear from A. that a difference is made by it between schools ( such as the Mānavāḥ &c ) and individual authors. It has been shown above that works on Arthaśāstra composed by Brhaspati and Uśanas existed before the Mahābhārata and the Droṇaparva ( 7. 1 ) speaks of ' Mānavī Artha-vidyā '. If the work had been the product of a school, then instead of ' iti Kauṭilyaḥ ' we would have had the words ' iti Kauṭilyyāḥ ' or ' Kauṭilyāḥ '. Besides, those learned scholars ( like Dr. Jolly, Keith and Winternitz ) who assign the work to the 3rd century A.D. are quite unable to point to any person who could have been the author of the work in the 3rd century A. D. There is no Cāṇakya or Kauṭilya who is known from inscriptions or literary works or traditions even as having flourished in the 3rd century A. D. and having been a great writer on Arthaśāstra. The Arthaśāstra employs the word ' apare ' also in III. 7. 2 and the word ' eke ' twice in IX. 28 and 30.

The Kāmasūtra of Vātsyāyana mentions a Ghoṭakmukha and a Cārāyaṇa. Whether they are identical with the authors cited by Kauṭilya is extremely doubtful. The Mahābhārata mentions among writers on Daṇḍanīti the following who occur in the Kauṭīliya also:—Brhaspati, Manu, Bhāradvāja, Viśālākṣa, Śukra ( the same as Uśanas ) and Indra ( probably Kauṭilya's Bāhudantīputra ), whose abridgment of Brahmā's work is called Bāhudantaka in the Śāntiparva ( chap. 59 ).

According to the Nayacandrikā, Piśuna, Bhāradvāja, Kauṇapadanta and Vātavyādhi stand for Nārada, Droṇacārya, Bhīṣma and Uddhava respectively ( pp. 73, 69, 74, 91 ).

The Mahābhārata mentions other writers on politics, viz. Gaurasīras, Kaśyapa, Utathya, Vāmadeva, Vasuhoma, Kāmandaka ( Śāntiparva 123. 11 ) and a few others which are not found in the Kauṭīliya.

The Kauṭīliya knows the four Vedas, the charms and incantations of the Atharvan, the six *aṅgas*, includes under Itihāsa, Purāṇas, Dharmaśāstra and Arthaśāstra; it knows the Sāṅkhya, Yoga and Lokāyata<sup>193</sup> schools of thought. It mentions Mauhūrtikas, Kārtāntikas ( astrologers ), Jupiter and Venus. It refers to dhātusāstra ( Metallurgy ). Sanskrit was the official language and in the Śāsanādhikāra it mentions such *guṇas* of composition as mādhyā, audārya, spaṣṭatva, which show the beginnings of the Alaṅkāra-śāstra. There is nothing to wonder at in this. In the second century A. D. we have the inscription of Rudradāman, which enumerates the *guṇas* of Kāvya. The Kauṭīliya does not mention edicts on stone or copper. It refers to Vaiśikakalājñāna ( II. 27. 28 ). The Kauṭīliya closely agrees with the Kāmasūtra in several respects, and the two works contain several identical passages ( such as the list of kings that fell victims to intrigues and about *trivarga* ). Keith argues from this that the Kauṭīliya and the Kāmasūtra are not separated by a long interval and that it is a late work. Dr. Jolly also is of the same opinion ( p. 24 Intro. to Arthaśāstra ). If the Kāmasūtra held up the Kauṭīliya as its model, then the two works would certainly look very much alike. There are points of

193 लोकायत occurs in the महाभाष्य on वर्णका तान्त्रवे ( पा. VII. 3. 45 वार्तिक ). Vide Kielhorn vol. III., pp. 325-326.

difference between the two works, e. g. they differ in their attitude towards flesh-eating and the Kāmasūtra speaks of planetary influence and *lagna*, while the Kauṭīliya is silent on these points and only condemns in general terms the consulting of stars. We must note here that Kauṭīliya (IX. 4. 26) speaks of consulting *nakṣatras*, which were known from the earliest Vedic period and some of which were looked upon as auspicious for sacrificial purposes even in the Śatapatha Brāhmaṇa ( S. B. E. vol. 44, pp. 1-2 ) and the Śrauta and Grhya sūtras. The Kauṭīliya follows the Vedāṅga Jyotiṣa in the system of a *yuga* of five saṁvatsaras, in prescribing two intercalary months in a *yuga* and in saying that at the end of one *ayana* the variation between the length of the day or the night comes to six muhūrtas ( vide II. 20. 66 ). Keith argues that the ślokas in the Kauṭīliya are more classical than even those of the Rāmāyaṇa and that it contains correct Triṣṭubh stanzas which are wanting in the Bṛhaddevatā ( a work of the 4th century B. C. ). But this argument can produce no impression on those scholars who ascribe the Rāmāyaṇa to the 5th century B. C. or earlier. Nor is the date of the Bṛhaddevatā beyond the pale of discussion. There is no consensus of opinion among scholars as to the exact time when classical ślokas and correct Triṣṭubhs first came into vogue. It is to be noted that the Kauṭīliya defines *pada* as *varṇasaṅghāta* and not as in Pāṇini ( *sup-tiñantam padam* ).

Among the countries and peoples frequently mentioned by Kauṭīliya, several are interesting. He speaks of silks from the land of the Cīnas<sup>104</sup> and blankets from Nepal. Keith says that the name Cīna, being derived from the Tsin dynasty in China ( which began its rule in 247 B. C. ), would show that the Kauṭīliya could not have been composed about 300 B. C. No one however knows how the word Cīna was derived and besides as Keith admits the passage may be an interpolation.

Many scholars have misunderstood the word 'cīna' occurring in II. 11. 114 ' *tayā kauśeyam cīnapaṭṭāśca cīnabhūmijā vyākhyātāḥ* '. 'Cīna' here does not mean what is modern China at all. The Sabhāparva ( Arjuna's conquests ) chap. 26 ( verses 7-8 ) states that Arjuna invaded Prāgjyotiṣa ( i. e. Kāmarūpa ), the king of which was Bhagadatta, who

104 तथा कौशेयं चीनपट्टाश्च चीनभूमिजा व्याख्याताः । कौ. II. 11. 114.



supported by Kirātas, cīnas and other soldiers from countries bordering on the sea ( sa kirātaiśca cīnaiśca vṛtaḥ Prāgyotiṣoṣbhavat | anyaiśca bahubhir-yodhaiḥ sāgarānūpavāsibhiḥ ). That is, the Cīnas spoken of in this passage were in modern Assam. Besides, this one sentence in A. might have been interpolated in later times. Moreover, kings are named after countries ( e. g. a king of Magadha is called Māgadha ), but a king hardly ever gives a name to the country he rules at least in historic times. Besides, in Udyogaparva ( 86. 10 ) Dhṛtarāṣṭra is made to say that he would present to Kṛṣṇa deer skins from Cīna. That is, Cīna was a country abounding in deer skins also. Jacobi ( in I. A. Vol. 53 at p. 133 ) does not accept the theory that the name China was derived from the name Thsin ( 247 B. C. ).

As regards the home of Kauṭilya or Cāṇakya there is some divergence of views. Jolly ( in Intro. p. 43 ) remarks that ' the geographical horizon of the author on the whole points to a southern rather than to a northern home ' and for supporting this opinion he relies only on two circumstances, viz. ( 1 ) the only known mss. of the Arthaśāstra exist in the South and ( 2 ) in the discussion of trade routes ( VII. 12 ) the route to the South is declared to be preferable because the commodities of shells, diamonds, gems, pearls and gold are more abundant there.<sup>195</sup> Both these grounds are worthless for supporting Jolly's conclusion about Kauṭilya's home. Northwest and North India were harassed for many centuries before and after the Christian era by frequent invasions of Persians, Greeks, Śakas, Hūnas and others; therefore the copying of mss. was neglected. Mss. of many works of authors from North India were found not in North India but only in South India. The Vākya-pādiya has been quoted above ( p. 76 n. 102 c. ) to show that the Mahābhāṣya was restored from mss. that existed in the South. Vide above. The mss. of the Kāvya-lāṅkāra of Bhāmaha ( a Kashmirian ), were found in the south and were published first in the South. The 2nd ground is based on a misconception. Dakṣiṇāpatha ordinarily means ' the Southern countries ' ( generally south of the Narmadā ).

195 स्थलपथेऽपि ' हैमवतो दक्षिणापथाच्छ्रेयान्, हस्त्यश्वगन्धदन्ताजिनरूप्यसुवर्णपण्याः सारवत्तराः ' इत्याचार्याः । नेति कौटिल्यः । कम्बलाजिनाश्वपण्यवर्जाः शङ्खवज्रमणिमुक्तासुवर्णपण्याश्च प्रभूततरा दक्षिणापथे ॥ अर्थशास्त्र VII. 12. 22-24.



For example, that word occurs in the Nanaghat cave Inscription ( about 200 B. C. ) in A. S. W. I. Vol. V. p. 60, in the Mahābhāṣya of Patañjali ( Kielhorn's ed. Vol. I. p. 73 ), where it is said that the word *sarasī* is used in Dakṣiṇāpatha for large lakes. The Inscription of Rudradāman ( at Junagad ) speaks of Śātakaṛṇi as Lord of Dakṣiṇāpatha. Rhys Davids in 'Buddhist India' ( p. 22 ) states that the name occurs in one of the oldest Buddhist documents viz. Suttanipāta 976. The Matsyapurāṇa ( 15. 28 ) speaks of the river Narmadā as ' Dakṣiṇāpathagāmini '. But in the above passage in the Kauṭilya the word Dakṣiṇāpatha is not used in the sense of a region, but probably in the sense of ' trade route to the south '. Kauṭilya preferred Dakṣiṇāpatha, not because it was his home, but because it yielded valuable commodities and more taxes for the State treasury and because his main thesis was that in polity ' artha ' ( material good, wealth ) is the most important matter. It has already been stated above that he was from Gāndhāra ( as he mentions that country in the matter of the defamation of a country ). This is further corroborated by his statement about fermented liquors of various kinds in II. 25. In II. 25. 16 he names ' medaka, prasannā, āsava, arisṭa, maireya and madhu '. Then he refers to their preparation. The Madhu kind of wine is produced from the juice of grapes and their designations are derived from the place of origin such as Kāpiśāyana and Hārahūraka. Pāṇini IV. 2. 99 derives ' Kāpiśāyana ' from Kāpiśī which was an ancient city in the Kabul valley. Vide E. I. vol. 22 p. 11 for a Kharoṣṭhī inscription on a Begram bas-relief where Sten Konow states that Kāpiśī is ancient Begram on the confluence of Ghorband and Panjshir rivers. A. in II. 25. 22 says that the maireya wine is prepared from a decoction of the bark of meṣaśṛṅgi with the addition of jaggery having a mixture of long pepper and black pepper as mixed with triphalā ( the three myrobalans ).<sup>196</sup> This shows that maireya had many ingredients. Pāṇ. in VI. 2. 70 ' āṅgāṇi maireye ' prescribes the accent when Maireya is

196 मेदकप्रसन्नासवारिष्टमैरेयमधूना । ..... मेषशृङ्गीत्वक्काथाभिषुतो ..... त्रिफला-  
युक्तो वा मैरेयः । गुडयुक्तानां वा सर्वेषां त्रिफलासम्भारः । मृद्वीकारसो मधु ।  
तस्य स्वदेशो व्याख्यानं कापिशायनं हारहूरकमिति । अर्थ० II. 25. 16, 22-25.

For the meaning of व्याख्यान here, compare Pāṇ. IV. 3. 66 ' तस्य व्याख्यान इति व्याख्यातव्यनाम्नः '. क्षीरस्वामी on ' मदिराकश्यमये ' remarks ' स्वादुरसा मदिरा कश्यं ( कश्यं ? ) हारहूरं कापिशायनं च । '

compounded with its ingredients (as in Madhumaireya). Intoxicants from grape juice were made in many parts of India. Since Kauṭilya mentions only two places on the north-west of India, it is reasonable to infer that he came from those parts. Jayaswal in JBORS, vol. II, pp. 79 (note) identifies Hārahūraka with Arachosia (for which see above p. 172). In 'The geography of Kauṭilya' by Harihar Trivedi in I. C. vol. I pp. 247-261) an attempt is made to identify the countries from which according to the A. (II. 11) pearls and diamonds came, but most of it is conjectural and the names of countries and districts have changed during the last 2200 years. Cunningham (in 'Ancient Geography of India', ed. of 1924 on p. 22) says that Pliny mentions the district of Kapisene, its ancient capital being Kapisa, which was destroyed by Cyrus and Ptolemy places the town of Kapisa amongst the Paropamisadie 'north of Cabul'.

In Lama Taranath's 'History of Buddhism' translated into German by A. Schiefner (St. Petersburg, 1869) some reports about Cāṇakya are given. Taranath was born in 1575 A. D. (1573 A. D. acc. to some) and wrote his history in 1608. Portions of the German translation of his work appear in I. A. Vol. IV. pp. 101-104 and 361-66. He takes the work of Kṣemendrabhadra (a Pandit of Magadha) as his basis and also relies on two other works viz. Buddhapurāṇa by Pandita Indradatta of a Kṣatriya family, in which all events up to four Sena kings are recorded (i. e. this work must have been later than 1200 A. D. at least) and another ancient history by a brāhmaṇa Pandita Bhataghatī about the succession of teachers. It must be remembered that Taranath wrote 1900 years or at least 1300 years after the supposed dates of Cāṇakya. On p. 1010 n of H. of Dh. Vol. V it has been indicated how Taranath's account about Śaṅkarācārya and Kumārila is of a confused character. In Chap. XVIII of Schiefner's translation (on p. 88) Cāṇakya is said to have been the minister of Bindusāra, son of Candragupta, who reigned for 35 years. In I. A. IV on p. 362 (from Taranath) it is said that Aśoka was succeeded by his grandson Vigatāśoka, whose son Nandā ruled for 29 years and the latter's son was Mahāpadma; that is, Mahāpadma is stated here to be the son of the great-grandson of Aśoka. It would be noticed how this recital of Aśoka's descendants is altogether confused and is worth little.

The Buddhist and Jain traditions associate Cāṇakya with Gāndhāra and from the Mudrārākṣasa also we learn (as



pointed out above ) that the army of Candragupta when he conquered Punjab and North-west India was made up of Yavanas and others guided by Cāṇakya. The *Mahāvamśa* ( V. 16-17 ) says that Candragupta was a Maurya and a Kṣatriya and that the Brāhmaṇa Cāṇakya, an irate person, killed the 9th Nanda and crowned Candragupta as king of the whole of Jambudvīpa ( i. e. India ). The commentary on that work called ' *Vaṃsatthappakāsinī* ' ( edited by Dr. Malalasekhara Vol. I. pp. 180-81 ) states that Cāṇakya was the son of a Brāhmaṇa from Takṣasilā, was mātavyāvin, had studied Niti ( statecraft ). These two epithets probably have the *Arthaśāstra* in view. The fact that Kauṭilya states ( in A. II. 20. 37-38 ) that the difference between the longest and shortest day is 12 *ghaṭikas* clearly indicates that he was a resident of the extreme North-west of India. Vide H. of Dh. Vol. V part I, p. 538 n 785,

On the question of the age and authenticity of the *Kauṭilya* a vast literature has accumulated and it would not be possible to review the whole in a brief manner. It is not possible at present to state whether scholars will ever be unanimous on these two points.

There are three principal groups of writers on the question of the age of the *Kauṭilya*. First come those who hold that the *Kauṭilya* is a genuine work of Cāṇakya or Kauṭilya, that minister of Candragupta Maurya. Candragupta was king between about 321 B. C. to 297 B. C. It has been stated above that Kauṭilya was associated with the earlier career of Candragupta. Therefore, the *Arthaśāstra* should be held to have been composed between 320 to 300 B. C. or thereabout. When a scholar says that A. belongs to the 4th century B. C. he does not mean that it is to be placed between 399 B. C. to 300 B. C. We shall have to assign the work to a short period in that century i. e. between about 320-300 B. C. or rather between 320-310 B. C. This date for the *Arthaśāstra* is accepted by Jacobi ( in I. A. Vol. 47 pp. 157-161, 187-195 and I. A. 53. pp. 128-136 and 141-144 ), by Dr. Shamasastri in his Prefaces to his editions of 1909 and 1919 and in S. K. Aiyangar Presentation Vol. (pp. 122-6), and by Fleet, Breloer, Meyer, Jayaswal, M. M. Ganapatisastri, Dr. D. R. Bhandarkar ( *ABORI* Vol. VII. pp. 65-84 ), N. N. Law, Sten Konow and several others. The present author holds that this is the correct view and he will state a little later some of the com-

elling reasons for the same. The 2nd group of scholars assigns the Kauṭīliya to about 300 A. D. and the principal representatives of this group are Dr. Jolly (Intro. pp. 1-47 of the edition of A. ), Keith (in JRAS 1916 pp. 130-137 and B. C. Law Presentation Vol. I. pp. 477-495 ), Winternitz (Cal. Review, April-June, 1924, pp. 1-28 ). The main arguments of this group have been dealt with above and rejected. No further reference need be made to their arguments. There is a third non-descript group of scholars who do not accept either 300 B. C. or 300 A. D. as the date of the Kauṭīliya, but put it at different dates between 300 B. C. and 300 A. D. Reference need be made only to a few of them. Dr. B. M. Barua in Bhāratakaumudī (in honour of Prof. R. K. Mookerji ) contributes an article called ' the Arthaśāstra, blend of old and new ' pp. 85-119. His conclusion is that the extant Arthaśāstra is anterior to the Junagad Inscription of Rudradāman ( 150 A. D. ) and may be placed near the beginning of the Christian era. He himself points out (on pp. 102-104) how certain phrases are common to the Kauṭīliya and the Aśoka Inscriptions. He has already been criticized above about the two verses quoted in the king's exhortation to his soldiers ( pp. 177-8 above ). He unnecessarily parades certain facts e. g. on p. 101 he refers to thirty-four or more Tantrayuktis in Vāgbhaṭa, Caraka and Suśruta\* ( all medical writers ). It is

\* It is unnecessary to quote all early medical writers. The Caraka-saṁhitā (in Siddhisthāna, Chap. 12 verse 41) reads 'śadvimśatā vicitrābhiḥ bhūṣitam tantra-yuktibhiḥ' and in verses 41-45 (Nir. ed. of 1941 with Cakrapāṇidatta's com.) sets out the names of the Tantrayuktis as Adhikarāṇa, Yoga &c., many of which are the same as in A. XV. 2 (which names thirtytwo). In Jivananda's ed. of the Carakasamhitā (text only, of 1896) the reading is 'pañcatrīṁśad-vicitrābhiḥ'. Caraka, Suśruta and Vāgbhaṭa come at the end of a long period of medical studies. This is not the place to enter into the question of Indian medicine. In the R̥gveda the word 'bhiṣak' (physician) occurs frequently (as in I. 116. 16, II. 33. 4, IX. 112-1, X. 97. 6). The word 'Oṣadhi' occurs dozens of times in the R̥gveda and so does the word 'bheṣaja'. R̥g. X. 163. 3-4 give the names for intestines and other internal organs. The word 'pitta' occurs in Atharvaveda I. 24 and Atharva V. 13. 4 states that poison kills poison (cures or eradicates poison, 'viṣaṇa hanmi te viṣam'). The Bṛhadāranyakopaniṣad (I. 1) refers to Yakṣi and Kloman. Pāṇini knew the disease 'piles' (arśas) (V. 2. 127) and 'atisāra' (diarrhoea) in V. 2. 129 and Vārtikas on V. 1. 38 refer to the three humours of Vāta, Pitta and Slesman.

(Continued on the next page)



difficult to understand what conclusions one can draw from this taken with the fact of the Arthaśāstra containing 32 Tantrayuktis. It may easily be said by any scholar that the medical writers named by Dr. Barua borrowed from the Arthaśāstra, but that has hardly any bearing on the date of 300 B. C. An author may borrow passages or definitions from a work which was composed several hundred years before him. Dr. Bose agrees that Suśruta is the borrower ( p. 439 ) but avers ( without assigning any reason ) that K. preceded him by only a few decades. This is nothing but a mere guess or assertion. On Naipālakam ( in A. II. 11. 100 ) he observes that even in the *digvijaya* of Arjuna in the Sabhāparva ( Mahābhārata ) the name of Nepāla does not occur and therefore the Arthaśāstra is a late work ( pp. 114-115 ). Scholars should always be careful and cautious, particularly in dealing with the Mahābhārata, because it is a vast work and because there are several recensions of it. But in this particular case, unfortunately for Dr. Barua, Nepāla is mentioned in the *digvijaya* of Karṇa in the Vanaparva ( chap. 254. 7 'sa Haimavatikān jītvā karam sārvaṇ-adāpayat | Nepālavīṣaye ye ca rājānas-tān-avājayat || ).

E. H. Johnston ( in J. R. A. S. for 1929 pp. 78-102, at p. 89 and JRAS 1939 at p. 225 ) says that the Arthaśāstra cannot be placed as late as 200 A. D. and that it is not likely to be earlier than the beginning of the Christian era. Similarly, Dr. Atindranath Bose in I. C. Vol. IV. ( for April 1938 p. 435 ) favours a post-Christian date for the Arthaśāstra. He is really guilty of making an absurd use of the *argumentum ex silentio*. In the 'Questions of Milinda' ( S. B. E. Vol. 36 on p. 147 ) there is a single sentence as follows ' And further there was Bhaddasala the soldier in

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( Continued from the previous page )

the causes or means of reducing or increasing their effects and also of Sannipāta. In Sabhāparvan 11. 25 Āyurveda is spoken of as 'aṣṭāṅga' and Śānti 28. 47 speaks of people suffering from the effects of old age even though they knew *rasāyanas* and made use of them. These references show that centuries before the Christian era Indian medicine had made great advances. Aśoka's 2nd Rock Edict states that the emperor had made provision for the medical treatment ( cikitsā ) of men and beasts ( cattle &c. ) and had caused to be supplied medicinal herbs suitable for men and animals and had ordered the planting of such herbs where they were not available.

the royal family of Nanda and he waged war against king Candragupta'. That sentence is preceded by the cruelties practised at that time in the words 'I have seen ten men expiating their crimes by being impaled alive and thirty, even forty, hundreds, thousands'. No Purāṇa or other ancient work speaks of Cāṇakya or Kauṭilya as a general; all that is claimed for him at the most is encouragement to others, and the use of unscrupulous means and stratagems. The sentence in the Milinda-praśna is not a history of a campaign. It is only a stray sentence in a dialogue between a king and a Buddhist teacher. But the writer in I. C. IV waxes eloquent by saying that had K. been the man behind Candragupta, the historians of Alexander who wrote not solely on Megasthenes' record, but utilized plenty of material now lost to us like Justin, Curtius, Arrian, Strabo and Plutarch would not have dismissed him with silent indifference while naming Candragupta and Nanda. The war between Nanda and Candragupta was fought about 320 B. C. Megasthenes came to the court of Candragupta later than 305 B. C. and yet he mentions no person of the Pāṭaliputra court or of the whole of India except Sandracottos. Some of the historians that Dr. Bose mentions (in I. C. Vol. IV) flourished about 100 A. D. (i. e. four hundred years after the war between Nanda and Candragupta). How could they, living thousands of miles away from Patna, name any person that flourished four hundred years before them, when Megasthenes, an ambassador at the Patna Court, mentioned no eminent Indian by name except Sandracottos? He speaks of the *Sanḡha* of the Vṛṣṇis (1.6) and the *Śrenis* (corporations) of Kṣatriyas in the countries of Kāmbhoja and Surāṣṭra that lived by *vārtā* (agriculture and trade) and by the profession of fighting and the corporations of the Licchavika, Vṛjika, Mallaka, Madraka, Kukura, and the Kurupaṇcālas that live on the title 'rāja' (XI. 1). Some of these tribes such as the Licchavis, Vṛjis (Vajjis in Pāli) and Mallas are well-known from ancient Buddhist works. What is meant by 'rājaśabdopajīvinah' is not quite clear. It probably means that the organisation of the Licchavis and others was on democratic lines and that there was very keen competition for the honour of being elected the chief or president of those corporations, the latter being designated 'rāja'.<sup>197</sup> The *Nayacandrikā* explains that

197 In the Jātakas (Fausböll vol. I., p. 504 and vol. III., reference is made to the 7707 rājas of the Licchavis in Vesālī.



they bear the proud designation of 'rāja' but are penniless ( and so can be easily employed in military service as mercenaries ). We are told that the breed of horses from Kāmbhoja, Sindhu, Āraṭṭa and Vanāyu was the best and that Bāhlika, Pāpeya, Sauvīra and Taitala breeds were of middle quality. The Kautiliya speaks of Mleccha tribes and tells us that among them one's own children could be sold or pledged without incurring punishment ( III. 13 ).

There is hardly any distinctive reference to things Buddhist except one passage ( III. 20 ) where a fine of one hundred ( *paṇas* ) is prescribed for him who invited to dinners in honour of gods or Manes a Buddhist ( Śākya ), an Ājīvaka, a śūdra ascetic.<sup>198</sup> This shows that the work was written at a time when Buddhism was yet not a wide-spread religion and had not secured an honourable place among the people. The Ājīvika was a well-known sect in ancient India, said to have been founded by Makkhali Gosāla. Aśoka donated caves to the Ājīvikas on Barabar hill ( vide Inscriptions of Aśoka ed. by Hultzsch, 1925 p. 181 ) when he had been anointed twelve years as king and his grandson Daśaratha ( 215 B. C. ) donated to them caves at Nāgārjunī hill. The 7th pillar Edict of Aśoka refers to Brāhmaṇas, Ājīvikas and Nirgranthas ( E. I. Vol. 20, pp. 270-272 ). Rhys Davids in ' Buddhist India ' ( ed. of 1950 ) p. 87 holds that the Ājīvika order was older than the Buddhist. Makkhali Gosāla, the leader of the sect, was at first a disciple of Mahāvīra but later left him. The Vāyupurāṇa ( 69. 281-289 ) paints a dark picture about the Ājīvas ( or-vikās ). Kautilya says that weights should be made of iron or of stones from Magadha and Mekala ( country near the sources of the Narmadā ).<sup>199</sup>

The verse ( of A. I. 6. 12 ) saying that Jāmadagnya i. e. Paraśurāma, that had brought under control the senses by giving up the group of six enemies ( viz. kāma, lobha &c ) enjoyed the earth for a long time and so did Ambarīṣa, son of Nabhāga. On this Jacobi remarks ( I. A. vol. 53 at p. 144 ) that the Mahābhārata and the Bālakāṇḍa of the Rāmāyaṇa know nothing that Jāmadagnya ever was a king. The verse

198 शाक्यार्जिकादीन् वृषलप्रवर्जितान् देवपितृकार्येषु भोजयतः शत्र्यो दण्ड्यः ।  
कौ० III. 20. 16.

199 प्रतिमानान्ययोमयानि मागधमेकलक्षैलमयानि । कौ० II. 19. 10.



in question does not use any word for 'king'. The intended meaning is not that Paraśurāma actually ruled over the earth for a long time as king. The Mahābhārata in several places states that Paraśurāma wrested the earth from the Kṣatriyas as many as 21 times, performed sacrifices and donated the earth to Kaśyapa and the priests ( vide Vanaparva, 117. 9-11 ) 'triṣaptakṛtvāḥ prthivīm kṛtvā niḥkṣatriyām prabhuḥ... | tato yajñena mahatā Jāmadagnyaḥ pratāpavān | tarpayāmāsa devendram-ṛtvigbhyāḥ pradadau mahīm | ); vide also Ādi-parva 130. 61-62, Droṇaparva 70. 15-19, Śalyaparva 49. 7-10, where the donee is the sage Kaśyapa. The idea is that he gave up *lobha* ( greed ) which is the root of all sins ( lobhamūlāni pāpāni ) and, though the whole earth was his, he donated it to others several times. For doing this he must have lived long. Ambariṣa also is mentioned in the Āśvamedhikaparva ( chap. 31 ) as reciting gāthās ( 7-12 ) expressing the idea that *Lobha* was the greatest enemy. Ambariṣa is mentioned as a great king in the R̥gveda 1. 100. 17. Paraśurāma is one of the seven or eight long-lived ( cirajivin ) personages. Vide H. of Dh. Vol. II, p. 648 and Vol. V. p. 208n ).

Jolly ( Intro. pp. 34-35 ) refers to knowledge of alchemy and metallurgy exhibited by the Kauṭīliya, the political and economic institutions and social conditions described in A. and states that they are in a far more advanced stage than those recorded or alluded to by Megasthenes. It has been shown above what worth is to be attached to the few fragments of Megasthenes. The columns erected by Aśoka about twentytwo hundred years ago are witnesses of the great attainments of the Indians of those days in chemical processes, polish, metals and even in these days modern chemists have not been able to show how that polish was made. Dr. Stein in his work on 'Kauṭīliya and Megasthenes' ( Wien, 1922 ) compares the information in the fragments of M. with that in the Kauṭīliya and on the slender basis of the fragments of Megasthenes ( whom Strabo called a liar ) arrives at the conclusion that the items of difference overweigh the coincidences both in number and importance. He also draws attention to the word 'Suruṅgā' <sup>200</sup> mentioned several times in the A. and holds that it was probably derived from 'syrinx',

200 'Suruṅgā' occurs in A. I. 20. 2, V. 2. 42, VII. 17. 33, XII. 5. 16, XIII. 1. 3, XIII. 2. 44 and appears to mean a subterranean passage or tunnel.





a Greek word often occurring in the description of sieges in Polybius and Diodorus. Winternitz ( in I. H. Q. I pp. 429-432 ) agrees with Dr. Stein.

In the 19th century and the first quarter of 20th century Western scholars clung to the theory that science, philosophy and arts began in Greece and that other nations merely borrowed them from the Greeks. That bubble of Greek originality in many matters has been pricked. The Greeks themselves borrowed many things from Babylon and Egypt; vide H. of Dh. Vol. V. pp. 482, 522n, 549, 594, 700 for authorities. Now Prof. Neugebauer ( JAOS. Vol. 61 pp. 213-215 ) avers that Babylonian methods of calculation together with Greek went to India. There is no doubt that there was cultural intercourse between Babylon and the Punjab as far back as the third millenium B. C. and the intercourse was by land. Peacocks, rice and Indian sandlewood were known in Palestine under their Tamil names in the Hebrew Chronicles of Genesis and Kings. Vide H. of Dh. Vol. V. part I pp. 598-600 and notes 893-900 for further information. The Hittite and Mitanni records ( of about 1400 B. C. ) show that Vedic gods ( such as Indra, Varuṇa, Mitra and Nāsatya ) were in their pantheon and Prof. A. H. Sayce ( in Pavry Commemoration Vol. pp. 399-402 ) draws attention to the fact that Hittite numerals are Sanskrit and holds that in the 15th century B. C. people that lived in Mesopotamia and Asia Minor spoke Sanskrit. Therefore, the word Suruṅga might have been taken from Mesopotamia ( or from Egypt ) long before the Greeks had anything to do with India. Unless one can prove that a word like Suruṅga is not found at any time in documents from Mesopotamia, Egypt or other very ancient countries, to assert that Suruṅga was borrowed from Greek Syrix is merely to jump to a conclusion without any proper evidence on the mere ground of similarity of letters or sounds.

The third question raised above ( p. 197 ) is whether the Arthaśāstra was originally entirely in prose or entirely in verse or in mixed prose and verse as at present. Most scholars are agreed that originally it was substantially the same as now ( i. e. largely in prose, with a verse or a few verses at the end of chapters ( and rarely in the midst of a chapter ). Prof. D. R. Bhandarkar ( in ABORI. Vol. VII pp. 65-84 ), while placing the Kauṭilya at 300 B. C., holds that the Kauṭilya was originally in verse and was later

turned into prose about the time of Daṇḍin ( on pp. 77-84 ). He refers to the words of Daṇḍin ( quoted above p. 165 ) ' iyam ... saṅkṣiptā ' ( which means ' this whole science of Daṇḍanīti was abridged in six thousand ślokaś ' ). He holds that that meaning of Śloka ( unit of 32 syllables ) is most modern. Here he is entirely wrong. Those words of Daṇḍin are taken from the present text of the Kauṭīliya itself ( I. 1. 18 ) ' Sapañcāśadadhyāyaśatam ṣaṭ-ślokaśahasrāṇīti ). Besides, a similar sense of śloka is found in the Kāmasūtra quoted below. Therefore, the word śloka meant also a unit of 32 syllables at least in the 3rd century A. D. He makes sweeping assertions for which he adduces very little evidence viz. ' No reasonable doubt is permissible that there was a time when the Arthaśāstra of K. was wholly composed in verses ' and again ' all the writers prior to Daṇḍin who quote from Arthaśāstra quote verses ' and he cites a few verses. This statement is an argument in a circle as he presumes that the verses are quoted from the supposed Arthaśāstra in verse. Now the verse ( ' Samvatsareṇa patati ' in A. IV. 7. 28 ) occurs in Manu XI. 180 ( last pāda differing ), Śānti 165. 37, Baud. Dh. S. ( II. 1. 62, Mysore Govt. edition, 1907 ) and Vas. I. 22 ( preceded by the words ' athāpyudāharanti ) as shown above on p. 98. So in Vas. it is a quotation, but the question is from whom. Manu ( in its original form ) might have contained it and Baud. Dh. S. is an old Dharmasūtra. And therefore A. might have taken it from Baud. or from Śāntiparva or some earlier source. Similarly, the verse ' Pradīpaḥ sarva- ' in Vātsyāyanabhāṣya might have been taken in the 4th century A. D. by that work from the present Arthaśāstra ( that verse is A. I. 2. 12 ) at the end of the chapter. There were no printed books in ancient and medieval India. Verses can be easily remembered as compared to prose passages. Verses in the extant A. are few viz. only about 375 in the whole of it, while the prose passages occupy at least 250 printed pages. The verses ' Dharmaśca ' and ' tatra satye ' ( occurring in A. III. 1. 39-40 ) also occur in Nārada I. 10-11. Nārada might have taken them from the extant Arthaśāstra or from the original Manu-smṛti of which Nārada is said by tradition to be one version. Nārada is not assigned to an earlier date than 200 A. D. But how does this go to establish that the whole of the

vast Arthaśāstra was in verse? Similarly, the verse 'Deśasya jātyāḥ' <sup>201</sup> &c. ( A. III. 7. 40 ) might have been there when the other part was in prose. A similar verse is cited as Kātyāyana's by the Vivādaratnākara. And that verse refers to Bhṛgu, the supposed author of the extant Manusmṛti. Prof. D. R. Bhandarkar's is merely a fantastic assertion without any solid evidence whatever. Prof. D. R. Bhandarkar is not able to state who could have transformed thousands of verses into prose while keeping a few hundred intact, exactly when and for what purpose. Why should one who undertook such a tremendous task have done it incognito?

Another scholar who holds the theory that the A. was originally all in verse is Dr. Pran Nath ( in I. A. Vol. 60 pp. 109-112, 121-123 and 171-174 ). He cites only 28 passages to show that they could have been originally in verse but were transformed; he cites only ten passages which become verses by the addition or removal of a word or two. The ordinary Anuṣṭubh metre is so simple that any prose passage can be easily turned into verse, since each *pāda* has eight syllables of which the majority ( viz. five ) may be either short or long. Dr. Pran Nath is singular in assigning A. D. 484-510 A. D. as the date of the A. when all others assign it to 300 B. C. to 300 A. D. only. He need not be taken seriously and may be left alone.

About the personal history of Kauṭilya or Cāṇakya we know very little. That he was an inhabitant of Gāndhāra has been pointed out above and if we trust the traditions on which the plot of the Mudrārākṣasa is based, it may be said that he lived a very simple life and had no personal ambitions. He was a man of extensive reading and had studied particularly all the works composed before him on Arthaśāstra, as is expressly declared in the very first sentence. He had seen the ravages ( both physical and mental ) caused by foreign invasions of India and his great ambition seems to have been to see that the whole of what he calls Cakravartikṣetra should be under the strong but benevolent rule of a noble and capable king. And he composed his great work as he says (II. 10. 63)

201 देशस्य जातेः सङ्घस्य धर्मो ग्रामस्य यो भृगुः । उदितः स्यात्स तेनैव दायधर्मः प्रकल्पयेत् ॥ कात्या० q. in वि. र. p. 505 ; compare 'देशधर्माजाते धर्मान् कुलधर्माश्च शाश्वतान् । पाषण्डगणधर्माश्च शास्त्रेऽस्मिन्नुक्तवान्मनुः ॥ मनु I. 118.

for the guidance of his favourite king ( and for all kings who wanted to be powerful ). He appears to have been a brāhmaṇa of the traditional type. In I. 3 he speaks of the four Vedas and also of Itihāśaveda, the six vedāṅgas, the four varṇas and āśramas, the peculiar dharmas of brāhmaṇas ( study of Veda, performing sacrifices, making gifts, teaching Veda, officiating at sacrifices and receiving religious gifts ), of Kṣatriyas, vaiśyas and śūdras, of householders, brahmacārin, forest hermit and sannyāsin and he prescribes for all men common duties ( in I. 3. 13 ) viz. ahimsā, truthfulness, purity, freedom from malice, compassion and forbearance ( sarveśām-ahimsā, śaucam, anasūyānṛśamsyam, kṣamā ca ). Compare Manu X. 63 and Gaut. 8. 24. And he adds in I. 3. 14-17 ' the performance of one's special duties leads to heaven and to everlasting bliss.'<sup>201a</sup> On transgressing ( dharma ) people ( who do so ) would be destroyed on account of the confusion ( about duties and castes ). Therefore, the king should not allow people to transgress their duties, since by enforcing adherence ( of people ) to their respective duties he, ( the king ) finds joy in this world as well as after death ; and again ( in I.4.16 ) he says ' the people of the four varṇas and belonging to their respective āśramas ( the four stages of life ), when protected i. e. controlled by the king with the rod ( of punishment ) and devoted to their proper duties and occupations, keep to the paths proper for them. He believed in the four goals of human beings ( Purusārthas ) viz. dharma, artha, kāma and mokṣa ; allows to the king the option ( in I. 7. 4 ) to devote himself to the first three equally ( which are tied to one another ( samam vā trivargam-anyonyānubaddham ). This is like Manu II. 224 ( trivarga iti tu sthitiḥ ). He was in favour of the privileged position of brāhmaṇas in certain respects. He prescribes ' in all offences a brāhmaṇa was not to suffer bodily punishment '<sup>202</sup> But on his forehead shall be made a branded

201a स्वधर्मः स्वर्गयानन्त्याय च । अर्थ० I. 3. 14.

Brahma is said to be 'satyam-jñānamanantam' in Tai. Up. II. 1. Therefore, here 'ānantya' should be taken to mean 'endless bliss' i. e. mokṣa.

Compare Gaut. XI. 9-11, 26, 31, Manu VII, 17, 27, 35, VIII. 304, Yāj. I. 335, 337, 357, 359.

202 सर्वापराधेष्वपीडनीयो ब्राह्मणः । तस्याभिः शस्ताङ्को ललाटे स्याद् व्यवहारपतः । स्तेये श्वा, मनुष्यवधे कबन्धः, गुहृतले भगम्, सुरापाने मश्वजः ।

( Continued on the next page )



mark excluding him from dealings with others; that in case of theft the mark was to be a dog, a headless trunk in case of the murder of a human being, mark of female organ in case of violation of a guru's bed, mark of wineseller's flag in case of being guilty of drinking liquor. Such a man, after being branded, was to have his misdeed proclaimed, was to be exiled from the country or was to be settled in mines. It will be seen that in all these matters Kauṭilya treads the same path as the Dharmasūtras and smṛtis (like those of Manu and Yājñavalkya). Kauṭilya further provides (I. 2. 2 and 10-12) that there are four Vidyās (subjects of study) for the king viz. Ānvīkṣikī (ratiocination), trayī (the three vedas), vārtā (economics i. e. agriculture, rearing of cattle and trade), Daṇḍanīti (science of politics and government) and that after upanayana the king should learn Trayī and Ānvīkṣikī from śiṣṭas (learned people), Vārtā from Adhyakṣas (superintendents of various departments), Daṇḍanīti from (theoretical) teachers and from persons who have practical knowledge. The meaning of Ānvīkṣikī (which acc. to Kauṭilya I. 2. 10 includes Sāṅkhya, Yoga and Lokāyata) has been discussed at great length in the H. of Dh. Vol. III pp. 46-54. Sāṅkhya is based completely on *Tarka* and does not even postulate God; and Yoga, while accepting the theories of Sāṅkhya, finds a place for Īśvara, but not as creator of the world. Therefore Yoga also is to some extent *Tarkavidyā*. It should be noted that the meaning of the word Lokāyata changed from time to time (as shown in H. of Dh. Vol. III, pp. 46-54 and in the notes thereon). Literally, it means 'what is reached by ordinary people' (*loka* + *āyata*, long, extended). Kṣīraswāmī on Amarakośa states that Ānvīkṣikī is 'tarkavidyā.' The Ādiparva (70. 40) states that in Kaṇva's hermitage there

(Continued from the previous page)

पापकर्माणमुद्धृत्याङ्ककृतव्रणम् । कुर्यान्निर्विषयं राजा वासयेदाकरेषु वा ॥ अर्थ०  
IV. 8. 27-29. Compare न शरीरो ब्राह्मणदण्डः । गौ. ध. सू. XII. 43;  
अवध्यो वै ब्राह्मणः सर्वापराधेषु ब्राह्मणस्य ब्रह्महत्या-गुरुतत्पगमन-  
सुवर्णस्तेय-सुरापानेषु कुसिन्ध-भग-शृगाल-सुराश्वजोस्तपेनायसा ललाटेऽङ्कयिष्यते  
विषयान्निर्धमनम् । बो. ध. 1. 10. 14-19.

were Lokāyatikas along with students of Veda, Vedāṅgas and śāstras.<sup>203</sup>

Similarly, in Śāntiparva ( chapter 218. 9 ) the Lokāyata-mata† is said to have been expounded by Pāṇcaśikha, the first pupil of Āsuri, to king Janaka. The doctrines propounded are Sāṅkhya with a tinge of advaita Vedānta. Later on, the word came to mean a system in which the existence of the soul and of the other world was denied. Vide H. of D. Vol. II. pp. 358-359 and Vol. V. pp. 1205-6, and 1472 n. Kauṭilya it appears, regards Ānvīkṣikī as Tarkavidyā when he remarks ( I. 2. 11-12 ) 'it ( ānvīkṣikī ) explains the relative strength of these three viz. Trayī, Vārtā and Daṇḍanīti, (thereby) confers benefits on the people by reasoning, keeps the intellect steady in adversity and prosperity and brings about proficiency in thought, word and action. The Mitākṣarā on Yāj. I. 317 explains Ānvīkṣikī as ātmavidyā and quotes Manu VII. 43 ( which he appears to have read as 'Ānvīkṣikīm cātmavid-bhyaḥ, just as Medhātithi does ). Kauṭ. ( I. 2. 12 ) looks upon Ānvīkṣikī as the lamp of all Vidyās ( sciences ), as the means of ( determining ) all actions, the support of all dharmas i. e. duties ). He further provides that the three vidyās are based on ( the proper administration ) of Daṇḍa and that ( the administration of ) Daṇḍa when based on discipline brings Yogakṣema to living beings. Vide H. of Dh. vol. III. pp. 548-49 and vol. V, pp. 1385-86 for the meanings of Yogakṣema,

The 9th Adhikaraṇa deals with the activities of the king who wants to be a conqueror and in the very first sūtra the A. specifies the matters which he should ascertain viz. his own strength and that of the other king as regards the country

203 वृत्तोपनयनस्त्रयीमान्वीक्षिकीं च शिष्टेभ्यो वार्तामध्यक्षेभ्यो दण्डनीतिभ्यो वक्तृ-  
प्रयोक्तृभ्यश्च । अर्थ० I. 5. 8 ; compare मनु VII. 43, Matsya 215. 54  
( same as Manu ), या. 1. 311. गौ. ध. सू. XI. 3 ( त्रय्यामान्वीक्षिक्यां  
वाभिविनीतः । ).

† नानाशास्त्रेषु मुख्यैश्च शुश्राव स्वनमीरितम् । लोकायतिकमुख्यैश्च समन्तादनु-  
नादितम् ॥ आदिपर्व 70. 46. The commentator Nilakaṇṭha explains  
'लोके एवायतन्ते ते लोकायतिकाः । तेषु लोकरजनपरेषु मुख्यैः ।'  
not accurate. लोकायतिक is derived from लोकायत acc. to  
कथादि सूत्रान्ताद्वक् पा. IV. 2. 60 and it occurs in the कथादिगण





( place ), time, season for marching on invasion &c. and ( in IX. 1. 18 ) he specifies the 'Cakravartiksetra ( the region of the sovereign ruler ) viz. the region extending northwards between the Himālaya and the ocean and one thousand yojanas across ( *deśaḥ pṛthivīḥ tasyām Himavat-samudrāntaram-udicīnam yojanasahasra-parimāṇam tiryak cakravartiksetram* ). The word 'Yojana...parimāṇam' is so placed that it may be construed either with the preceding ( length north-south ) or with tiryak ( crosswise, i. e. east to west ). Some mss. read 'atiryak'. The ( east to west ) breadth of India varies greatly and therefore it is better to take 'Yojanao' with the length. Vide H. of Dh. Vol. III pp. 66-67 about the meaning and derivation of Cakravartin, for names of Cakravartins in the Brāhmaṇa texts and Upaniṣads and for a passage from the Kāvya-mīmāṃsā for Cakravartiksetra. The words of K. show that his ambition for his sovereign ruler was limited to the present India and did not embrace other lands such as Java to which Indian culture spread later. *Cakra* means wheel and is a symbol of power and dominion. The word occurs dozens of times in the Ṛgveda. Prayers are made to Indra for driving away the asuras with his *cakra* in Ṛg. I. 53. 9, II. 11. 20, VIII. 9. 6-9. Indra is said to have set in motion the wheel ( wheel-like orb ) of the Sun ( in Ṛg. IV. 17. 14 ). Vide 'Dhammacakka-ppavattana-sutta ( in SBE. vol. XI. pp. 146-153 ) for the essence of the teaching of Buddha. The Dipavaṃśa ( VI. 2 ) says about Piyadassana ( Aśoka ) that the wheel of his power rolled in the great kingdom of Jambudvīpa. Vide on Cakravartiksetra Prof. K. A. Nilakanta Sastri in Rangaswami Aiyangar Volume pp. 81-86 and Dr. D. C. Sircar in 'Sarūpabhārati' pp. 315-325 and for the 'symbolism of wheel in Cakravarti conceptions' Dr. Wijesekara in Dr. Belvalkar Felicitation Vol. pp. 262-267 and a paper in J. O. R. ( Mad. ) Vol. 27 pp. 85-90 by K. V. Soundar Rajan. From the wheel ( which rolls on ) the symbolism of the rule or dominion over people arose.<sup>204</sup>

The Amarakośa treats Cakravartin and Sārvabhauma as synonyms and defines samrāj as a ruler who performs the Rājasūya, who is supreme over a circle of States and who

204 The Ādiparva remarks 'परं चाभिप्रयातस्य चक्रं तस्य महात्मनः भविष्यत्यप्रतिहतं सततं चक्रवर्तिनः ॥' 73. 30.

issues orders to kings. From Vedic times Samrāt and Sārva-bhauma have been known. Vide H. of Dh. vol. III. pp. 63-70 for treatment.

The A. emphasizes ( in I. 6 ) the great importance of the control of his senses by the king, which is to be attained ( by the king ) by giving up lust, anger, greed, pride, haughtiness and foolish venturesomeness ; and gives for each of the six failings two examples of ancient kings who perished by their being subject to one or other of these six ; and then provides that the whole of this science ( of polity ) means ( is centred in ) control of the senses.<sup>205</sup> About the goals of human life, A. states ( in I. 7. 7 ) that Artha ( material well-being ) is alone supreme ( for the king ) ; for spiritual good and pleasures of senses depend upon material well-being.

Kautilya prescribes ( in I. 19. 9-24 ) an ideal daily time table for his king who must always be active ( since if the king is active his servants become so, I. 19. 1 and 5 ). The day is divided into eight parts and the night also into eight parts. Supposing the day begins at 6 A. M. the work to be transacted in each of the eight parts of the day is as follows. ( I ) 6. to 7. 30 A. M. he should listen to the measures taken for defence and income and expenditure ; ( II ) 7. 30-9 A. M. the king should look into the affairs of citizens and the country people ; ( III ) 9-10. 30 A. M. he should take a bath and meals and engage in study ; ( IV ) 10. 30 A. M.-to 12 noon he should receive gold ( i. e. revenue in coins ) and receive heads of departments ; ( V ) 12 noon to 1. 30 P. M. he should consult the council of ministers by sending letters and should acquaint himself with secret information gathered by spies ; ( VI ) 1. 30-3 P. M. he should engage himself at his pleasure in recreations or hold consultations ; ( VII ) 4. 30-6 P. M. he should consider military plans with the commander-in-chief ; and when the day ends he should engage in evening worship. The timetable for the night is as follows : ( I ) first 8th part of night ) 6 P. M.-7. 30 P. M. he should see secret agents ; ( II ) 7. 30-9 P. M. he should take a bath, meals and engage in study ; ( III ) 9 P. M.-10. 30 P. M. he should lie down amidst sounds

205 विद्याविनयहेतुरिन्द्रियजयः कामक्रोधलोभमानमदहर्षत्यागात्कार्यः । ... कर्मणि  
शास्त्रमिन्द्रियजयः । अर्थ० I. 6. 1 and 3. The six are called अविन्द्रिय  
( as in I. 7. 1 ).



of musical instruments, and ( IV-V ) 10. 30 P. M.-1. 30 P. M., he should sleep; ( VI ) 1. 30 A. M.-3 A. M. he should awaken to the sound of musical instruments, ponder over the rules of the science of politics and also over the work that has to be done by him; ( VII )-3. A. M.-4. 30 A. M.-he should be in consultation with councillors and send out secret agents; ( VIII )-4. 30 A. M.-6 A. M. he should receive blessings from priests, his teachers, *purohita* ( chaplain ) and see his physician, chief cook and astrologer and then after going round a cow with its calf and a bull he should repair to the assembly hall or he should divide the day and night into ( other or ( different ) parts in keeping with his strength and carry out his duties.

It would be noticed how arduous is the work to be done by the ideal king and how his hours of rest and sleep are only four and a half from 9 P. M. to 1. 30 A. M. It may be noted that Manu VII. 216-225 and Yāj. I. 327-333 contain similar but briefer provisions about the daily time-table of the king.

In the same chapter ( I. 19. 33-35 ) the Kauṭilya engages in a fine metaphor, comparing the king's work of administration with a sacrifice and states: " Endeavour is the vow, and the fee is equal behaviour ( to all ), his coronation is the *dikṣā* ( initiation rite of a Vedic *yajña* )." He places a very high and noble ideal before kings in the words ' in the happiness of the subjects lies the happiness of the king, what is beneficial to the subjects is to his benefit; what is liked by ( or dear to ) the king is not ( really ) beneficial to him, but what is dear to the subjects is ( really ) to his benefit. Therefore, the king, being constantly active, should regulate or manage material well-being; activity ( endeavour is the root of material well-being, the opposite ( of activity ) is the root of calamities.

The 6th Adhikaraṇa deals with the seven constituents of the Maṇḍala viz. the king, chief minister, the country, the fortified capital, treasury, the army, ally. In VI. 1. 3-6 Kauṭilya specifies numerous qualities that the king should possess, such as ( to mention only a few ) birth in a high family, being endowed with intelligence, bravery, non-enduring nature, quick despatch, cleverness. This chapter leads on to the 7th Adhikaraṇa on ' Sādgūṇya ' i. e. the six aspects or measures of foreign policy ( viz. peace, war &c ) and to the 8th

(on *Vyasanās* or calamities of the constituent elements ). Kauṭilya's position was ( VIII. 2. 1, Rājā rājyamiti prakṛtisanksepah ) that the king and the ruler's kingdom is a summary ( of the seven ) elements i. e. they are the primary or foremost elements out of the seven ( mentioned ) above. If there be no ruler the country will at once be ruined, what is called *Mātsyanyāya*<sup>206</sup> will reign supreme, there will be no security of life and property, the strong will devour the weak. Similarly, if there is no country there will be no king. The other elements are necessary but of secondary importance, e. g. a king may carry on administration for some time at least without a minister and may appoint a minister when he pleases. Kauṭilya himself says 'It is the king alone who appoints the class of servants such as the councillors, the purohita ( chaplain ) and others, directs the activities of superintendents of departments; when the king himself is endowed with excellence he makes the constituent elements ( of the State ) endowed with excellences required by each of them; what character he has, that character the constituents come to possess, since they are dependent on him as to endeavour and remissness; for the king is in the position of their head'.<sup>207</sup> The words of K. ( rājā rājyam.....sanksepah ) may also be interpreted as stating that the king is the State, i. e. he is the most important of the seven elements. That would be a theoretical statement. He makes it clear ( in VIII. 1. 13 ff ) in what sense the king is supreme viz. that it is he who appoints the ministers and removes ministers, who arranges

206 सुप्रणीतो हि दण्डः प्रजा धर्मार्थकामैर्योजयति । अप्रणीतस्तु मात्स्यन्याय-  
मुद्धावयति । बलीयानबलं हि प्रसते दण्डधराभावे । स तेन गुप्तः प्रभवतीति ।  
अर्थ० I. 4. 11-15 ; vide also 'मात्स्यन्यायाभिभूताः प्रजा मनुं राजनं चक्रिरे'  
अर्थ० I. 13. 5 ; यदि न प्रणयेद्राजा दण्डं दण्ड्येष्वतन्द्रितः । शूले मत्स्यानिवा-  
पक्ष्यन् दुर्बलान्बलवत्तराः ॥ मनु VII. 20 ( कुल्लूक writes that this is the  
readig of मेधा० and गोविन्दराज and he cites another reading जले  
मत्स्यानिवाहिंस्युः ; the शान्तिपर्व 15. 30 has जले मत्स्यानिवाभक्ष्यन् दुर्बला-  
न्बलवत्तराः ।

207 मन्त्रिपुरोहितादिभृत्यवर्गमध्यक्षप्रचारं पुरुषद्रव्यप्रकृतिव्यसनप्रतीकारमेधनं च  
करोति । व्यसनिषु वामालेखन्यान्व्यासनिनः करोति । ... स्वामी च सम्पन्न...  
स्वसम्पद्भिः प्रकृतीः सम्पादयति । स यच्छीलस्तच्छीलाः प्रकृतयो भवन्ति,  
उत्थाने प्रमादे च तदायत्तत्वात् । तत्कृष्टस्थानीयो हि स्वामीति । अथवा  
VIII. 1. 13-18.



for the construction of forts, who levies taxes and who commands the army and decides upon friendship and war.

Though Kauṭilya was a brāhmaṇa of the orthodox type, he seems to have been a follower of Bṛhaspati, who according to the Mahābhārata (quoted above), held that there was a great difference between the code of conduct for ordinary people and that for the king. A strong ruler is absolutely necessary for the good administration of the country. Therefore, Kauṭilya sets out all kinds of sinister methods in Adhikaraṇa XIV for liquidating an enemy, such as intrigues, unscrupulous use of poison, desperadoes and prostitutes, magic and charms. His motto in this matter seems to have been that the end justifies the means. This earned for him the hatred of scholars like Bāṇa; vide above p. 174. He wanted to be thorough in strengthening the hands of the king in governing the country. The Pañcatantra<sup>208</sup> says 'the realm (or gist) of politics is threefold viz. thoroughness according to Viṣṇugupta, the securing of allies acc. to Bhārgava (Uśanas) and distrust acc. to Bṛhaspati.' It should not be supposed that all the sinister methods were employed by him or any one else at all times. As the Kāmasūtra says 'because a śāstra contains certain matters, it is not seen that they are actually used in practice; the matters dealt with in śāstras are all-embracing, while actual use is limited in extent'.<sup>209</sup> As regards the adhikaraṇa called Aupanīṣadikam (secret practices, poisons and magic and spells) Kauṭilya provides certain limitations. He says 'for the purpose of safeguarding the institution of four varṇas, he (the king), should employ secret practices against the unrighteous. The group of poisons such as Kālakūṭa should be introduced into articles used by the enemy on his body through the instrumentality of approved men and women of mleccha communities disguised as humpbacks, dwarfs, kirātas, dumb or deaf persons, appearing trustworthy as to country, dress, profession, speech and birth. It should not be supposed that Kauṭilya stands alone in recom-

208 सुकृत्वा विष्णुगुप्तस्य मित्राभिर्भागवस्य च । बृहस्पतेरविश्वासो नीतिसन्धिस्त्रिधा मतः ॥ पञ्चतन्त्र ( मित्रसंप्राप्ति ) Nir. ed. of 1936 p. 103 verse 47. सन्धिः means ' उत्कर्षोऽतिशये सन्धिः श्लेषे विषय आशये ' अमरकोश.

209 न शास्त्रमस्तीत्येतेन प्रयोगो हि समीक्ष्यते । शास्त्रार्थान् व्यापिनो विद्यात्प्रयत्नोः स्त्वेकदेशिकान् ॥ कामसूत्र VII. 2. 55.



mending secret practices of poisons. The Vanaparva<sup>210</sup> refers to the employment of secret practices to the accompaniment of mantras and muttered words declared in the Atharvaveda.

Western scholars, whose ancestors only a few hundred years ago burnt at the stake thousands of people (even though holding the Bible as their sacred book and Christ as the Messiah) who differed only on certain other dogmas, or whose highest dignitaries of the Christian Church started the institution of Inquisition and who persecuted the Jews<sup>211</sup> for centuries, should think twice before running down in unmeasured language Kauṭilya, who, two thousand years ago, recommended drastic remedies against enemies *for the safety of the country* (and not for holding differing religious ideas).<sup>212</sup> They should remember what barbarities were committed in the second world war in bombing populous cities at night and in the killing of hundreds of thousands of captives and others in gas chambers and otherwise.

Vol. III of H. of Dh. deals with theories about the origin of kingship and with the question whether and how far the king was elected (pp. 28 ff), the theory of social contract (pp. 31-32), the divine right of kings (pp. 35-37), primogeniture and exceptions to it (pp. 41-44), necessity for the king to control his senses and cases where kings met death because of failing to curb their senses (pp. 53-55), existence of oligarchies or republics in ancient India (87-92), question whether there were in monarchies popular assemblies of elected persons (pp. 92-98), the checks and limitations on the monarch's powers set out (pp. 96-98). K. P. Jayaswal and others have made great efforts to show that the monarch in the Arthaśāstra was

210 बृहस्पत्युशनोक्तैश्च मन्त्रैर्मन्त्रविशारदाः । अथर्ववेदप्रोक्तैश्च याज्ञोपनिषादक्रिया । मन्त्रजप्यसमायुक्तास्तास्तदा समवर्तयन् । वनपर्व 251. 24. The subject is दैतेयदानवाः in verse 21 preceding. जप्य refers to inaudibly muttering om, Gāyatri and similar holy texts.

211 Vide H. of Dh. Vol. V, pp. 932-3, note 1494 and pp. 1019-20 for the persecution and expulsion of Jews in Europe and for detestable methods and deeds of the Inquisition.

212 चातुर्वर्ण्यरक्षार्थमौपनिषदिकमर्थमिष्टेषु प्रयुज्जीत । कालकूटादिर्विषवर्गः श्रद्धेय-  
देशवेषशिल्पभाषाभिजनापदेशैः कुब्जवामनकिरातमूकबाधिरजडान्धछद्मभिर्महद्-  
जातीयैरभिप्रेतैः स्त्रीभिः पुंभिश्च परशरीरोपभोगेष्ववधातव्यः । अथर्वशास्त्र  
XIV. 1. 1-2.





a constitutional king and not an absolute ruler. That question has been dealt with in H. of Dh. Vol. III ( pp. 92-98 ). The present author does not agree with K. P. Jayaswal.

It is necessary to put together briefly some of the chief grounds on which the Arthaśāstra is assigned to about 300 B. C.

1. The unanimous tradition of numerous Sanskrit works and of Buddhist and Jain sources that Kauṭilya or Cāṇakya helped Candragupta and that he wrote a treatise on Arthaśāstra and the fact that no other Kauṭilya or Cāṇakya, author of a work on A. or as the minister of an ancient king, in the first centuries of the Christian era has been known so far.

2. Kauṭilya is not chary of naming individual writers, schools and *ācāryas* ( in general ). The last (*ācāryāḥ*) he mentions about 53 times and differs from them 50 times. On VIII. 4 alone dealing with calamities due to fate such as conflagration, floods, diseases, famine and epidemics he mentions *ācāryas* twelve times and differs from them in all cases and on VII. 9 he differs from them seven times. He mentions the following schools. *Āmbhīyāḥ* ( once on I. 17. 27 ), *Āśanasāḥ* ( 7 times in all on I. 2. 6, I. 15. 49, II. 7. 14, III. 6. 5, III. 11. 44, III. 17. 4, X. 6. 1 ), *Pārāśarāḥ* ( I. 8. 7, I. 15-23, I. 17. 9, II. 7. 12, III. 1. 26, VIII. 3. 30 ), *Bārhaspatyāḥ* ( I. 2. 4, I. 15. 48, II. 7. 13, III. 11. 46, III. 17. 13, X. 6. 2 ); *Mānavāḥ* ( I. 2. 2, I. 15. 47, II. 7. 11, III. 11. 45, III. 17. 3 ). Instead of *Pārāśarāḥ*, Mysore ed. of Shamasastri reads ' *Parāśarāḥ* ' in I. 8, I. 15. Kauṭilya mentions the views of the following individual writers; Kaunapadanta ( I. 8. 14, I. 17. 15, VIII. 3. 47 ); Piśuna ( I. 8. 11, I. 15. 27, I. 17. 12, VIII. 1. 33, VIII. 3. 39 ), Bāhudantīputra ( I. 8. 24 ); Bhāradvāja ( I. 8. 1, I. 15. 14, I. 17. 6, V. 6. 24, VIII. 1. 6, VIII. 3. 8, XII. 1. 2 ); Vāta-vyādhi ( I. 8. 6, I. 17. 18, VII. 1. 3, VIII. 1. 53, VIII. 3. 55 ); Viśālākṣa ( I. 8. 3, I. 15. 18, I. 17. 7, VIII. 1. 19, VIII. 3. 24, XII. 1. 5 ). Of these, three names viz. Piśuna, Vāta-vyādhi and Kaunapadanta appear to be nicknames. It may be pointed out that in the Śākuntala the minister of Duśyanta is said to have been Piśuna, which literally means ( wicked or backbiter, ' *Piśunau khalasūcakau* ' says Amara ); some commentators say it is the name of Nārada. Kaunapadanta is said to be a nickname of Bhīṣma by the Nayacandrikā and by Yogghana. Kunapa means a corpse and so Kaunapadanta would mean

‘one having teeth that emit a nasty smell like that of a dead body’. All these are mentioned in I. 8 and whenever all or some of them are mentioned, Bhāradvāja is mentioned first and the others also occur in the same order as in I. 8.

It would be noticed that none of the famous Dharmaśūtra authors such as Gautama, Āpastamba, Hiraṇyakeśin, Baudhāyana, Vasistha is mentioned by the Kauṭīliya even in the Dharmasthiya and Kaṇṭakaśodhana sections and many Adhikaraṇas. Therefore, it is probable that the Kauṭīliya is prior to them in point of time or may be contemporaneous with some of them. Most of the Dharmaśūtra writers are generally held to have flourished some centuries before the Christian era. In V. 5. 10–11 certain ministers are named as having left the king’s service on seeing certain signs of his displeasure viz. Kātyāyana, Kaṇinka Bhāradvāja, Dīrgha-Cārāyana, Ghoṭamukha, Kiṇjalka, Piśuna and Piśunaputra. Piśuna may be the same as the writer Piśuna mentioned above. Piśunaputra may be his son. Ghoṭakamukha is mentioned as an author in Kāmasūtra ( I. 1. 4 ). The others also might have been authors on Nītiśāstra. Kaṇinka Bhāradvāja may be the same as the Bhāradvāja mentioned above as a predecessor in the Arthaśāstra. Bhāradvāja is one of the expounders of Rājaśāstra mentioned in Śāntiparva 58. 3. Chap. 140 ( 71 verses ) of Śāntiparva is called Kaṇikopadeśa at the end. But in the verses at the start it is said to be a dialogue between Bhāradvāja and king Śatruñjaya of Sauvira.

3. The Arthaśāstra was composed at a time when Buddhism had not made much progress in India and was confined to monks. The only clear and definite reference to Buddhists is in III. 20. 16, where among other matters it is provided ‘for a Cāṇḍāla touching an Ārya lady, for one feeding Śākya, Ājīvaka and others and Śūdra ascetics at rites in honour of Gods and Manes the fine shall be one hundred paṇas. The Buddha’s teaching spread only among monks and had not spread far and wide till Aśoka’s reign. It secured royal favour only under Aśoka during whose reign the third Buddhist Council was held about 247 B. C. The Dīpavaṃśa ( XX. 20 ff ) expressly states that the three *pitakas* and their commentaries were transmitted orally ( Mukhapāṭha ) and were reduced to writing in Ceylon in the reign of Vāttagaṃbani ( 29–17 B. C. ). Buddhism was a State religion under Kaniska



and was in a flourishing condition in India from Kaniska's times up to the first half of the 7th century A. D. (as the Harsacarita and Yuan Chwang's travels show). Hence if the Arthasāstra was composed in the 3rd century A. D. as Jolly and some others say it could not have afforded to treat the Buddhists monks with scant respect as it actually does.

4. The Arthasāstra uses the word Rājā only (not Samrāt nor Śārvabhauma) for the ruler just as Aśoka speaks about himself only as rājā in his edicts, though he appears to have ruled over the whole of India up to Mysore at least.

5. Some technical terms are common to A. and to Aśoka's edicts. A few of these may be mentioned here. Yukta (an officer) in A. II. 5. 16 (Yuktopayuktatatpuruṣāṇām), II. 8. 3, 23, II. 9. 33-34 and in Rock Edicts III and IV; Mahāmātra (A. I. 12. 4, V. 1. 5 and 15 and in Rock Edicts VI and XII and in several other places); Parisā (pariṣad, council of ministers) in R. E. IV (parisāpi yutte ānapayissati) and A. I. 15. 47-50 and 58; Puruṣāḥ (subordinate officers under Yuktas and Upayuktas) in A. II. 5. 16 and Pillar Edicts I, IV and VII; Pradeśtr (in A. IV. 1. 1, a Magistrate) and Prādesika (Rock Edict III, the exact connotation cannot be established). Some of these words occur in Pāṇini also e. g. Yukta occurs in Pāṇ. VI. 2. 66, Āyukta (in A. I. 15. 10 and 13, II. 6. 20 and Pāṇ. II. 3. 40); Ākarika (a miner, A. II. 12. 20) and Dauvārika (in A. I. 12. 6, V. 3. 5, V. 6. 5 meaning 'head usher in a palace') and Pāṇ. IV. 4. 69 (tatra niyuktaḥ); Pāṇini IV. 4. 70 shows that he was aware of many words ending in 'agāra' (as in 'agārāntat-ṭhan') such as Bhāṇḍāgārika. The word 'Vyusta' in A. II. 6. 12 and II. 7. 31-33 deserves to be considered here. Pāṇini (V. 1. 97 'Vyustādibhyoṣu') provides for the formation of words like 'Vaiyusta' (meaning 'what is to be given or what is to be done at Vyusta'). The Vyustādigaṇa has over a dozen words. The exact meaning of Vyusta is not clear. But, occurring as it does in A. II. 6. 12 (rājavarṣam, māsaḥ, pakṣaḥ, divasaśca vyustam, iti kālāḥ, after the regnal year, month, fortnight and day), Vyusta should mean time (ghaṭikā or muhūrta &c.) after morning or sunrise. Vyusta is a past participle from the root 'uṣ' (1st conj. to heat) with 'vi' and apparently means the same thing as vyuṣ (which occurs five times in Rg.) and 'Vyusti' which occurs over thirty times in the Rgveda (as Vyustau or Vyustiṣu), often

in connection with 'Uṣas' (as in Rg. II. 34. 12, III. 15. 2, IV. 1. 5, IV. 45. 2, X. 41. 1 &c.) and once 'Vyus' in connection with both Uṣas and Sūrya (the Sun) in Rg. VII. 81. 2 (O Dawn, may we be endowed with food in the light of yourself and of the Sun). In the inscriptions of Aśoka at Brahmagiri, Rupnath, we see various forms like 'vivutthena', 'Viyuttha, Vyutthena, and vyutthena' and there is great divergence among scholars about the meaning.

6. A. is some centuries earlier than the Yāj. Smṛti. In the first place, on many points such as succession and inheritance, Yāj. is far in advance of A. One decisive circumstance is as follows. Yāj. (I. 319-20) dealing with the regulations about royal grants of fields &c. provides that the grant should be inscribed on a piece of cloth (silken or other) or on a copper-plate. A. in II. 10 (śāsanādhikāra) provides how a śāsana is to be written, but says not a word about inscribing it on a piece of cloth or a copperplate. This clearly indicates that the Yāj. Smṛti was composed when the inscribing of royal grants or orders on copperplates had become common while K. shows no knowledge about this method and refers only to *patra* (leaf) in II. 10. 58 and in II. 17. 9 directs the superintendent of Kupya (Forest produce) to collect leaves of Tālī, Tāla and Bhūrja (Tālītālabbhūrjānām patram). The earliest record on a copperplate so far discovered in India is the Sohāgpur plate which records an order issued by the Mahāmātras of Śrāvastī and which is placed by competent scholars like Fleet between 300 B. C. to 180 B. C. (vide JRAS for 1907 pp. 509 and E. I. Vol. XXII p. 2 by K. P. Jayaswal). Another early copperplate is the Taxila copper plate inscription of Patika of the year 78 (vide C. I. I. vol. II p. 23).

For Kharoṣṭhī documents on silk of 1st century B. C. or A. D., vide J. G. J. R. I. Vol. X pp. 131-133 by Ratanchandra Agrawala.

7. In dealing with the layout of the fortified capital (II. 4) the A. makes certain interesting remarks. In II. 4. 17-20 A. provides 'The king should cause in the centre of the capital...the construction of enclosures for Aparājita,<sup>213</sup> Apra-

213 अपराजिताप्रतिहतजयन्तवैजयन्तकोष्ठान् शिववैश्रवणाश्विभ्रमिदिरागृहाणि च पुर-  
मध्ये कारयेत् । यथोद्देशं वास्तुदेवताः स्थापयेत् । ब्राह्मैन्द्रयाम्यसैनापत्यानि  
द्वाराणि । बहिः परिखायाः धनुःशतापकृष्टाश्चैत्यपुण्यस्थानवनसेतुबन्धाः

(Continued on the next page)



tiḥata, Jayanta and Vaijayanta, and temples of Śiva, Vaiśra-  
vaṇa, Āsvins, Śrī (the goddess of wealth) and Madirā (Durgā).  
He should also establish presiding deities of the dwelling  
places as enumerated. The city gates should be presided over  
by Brahmā, Indra, Yama and Senāpati (Skanda). Outside  
(the city) at the distance of 100 *dhanus* from the moat should  
be sanctuaries, holy places, groves and water dams and the  
deities of the quarters in the respective quarters. .... The  
habitations for heretics, pāṣaṇḍas and cāṇḍalas should be on  
the outskirts of the cremation ground'. 'Aparājita' means  
'invincible' and 'apratihata' (irresistible). But here these  
words stand for some god or deity. Jayanta is the son of  
Indra and Vaijayanta is Indra's palace, acc. to Amarasiṃha.  
Jayanta and Vaijayanta may mean victorious. But in this  
passage they mean some god. The Malayālam com. holds them  
respectively to be Durgā (probably it reads 'Aparājitā'),  
Viṣṇu, Subrahmanya and Indra. 'Yathoddeśam' appears to  
mean 'as enumerated in the works of Vāstupūjā (or Vāstu-  
śānti)'. Vide H. of Dh. Vol. II. pp. 833-35. The word  
pāṣaṇḍa<sup>214</sup> frequently occurs in A. and generally means heretic  
or heretical monk. For example, in I. 18. 9 A. provides that a  
prince under disfavour with the reigning king may secretly  
rob the corporation of heretics of their wealth. In III. 16.  
38-40 A. provides 'in legal disputes the fines imposed  
may be paid off by heretical *sādhus* who possess no cash nor  
gold by doing penance with fasts and vows according to their  
own practices except in case of Pārusa (verbal and physical  
injuries), theft, forcible seizure and adultery.<sup>215</sup> Manu also (in  
I. 118 and IV. 30) employs the words Pāṣaṇḍa and Pāṣaṇḍin in  
the sense of heretical sect or monk. Ādiparva 140. 63, Vana-  
parva 188. 49, Anusāsanaparva 23. 67 also employ the word in

(Continued from the previous page)

यथादिशं च दिग्देवताः । ... पाषण्डचण्डालानां श्मशानान्ते वासः । अर्थ०

II. 4. 17-20 and 23. Acc. to Āśv. gr. I. 2 the deities of the four  
quarters from the East to North are Indra, Yama, Varuṇa and  
Soma. Some speak of eight quarters.

214 पाषण्डसङ्घद्रव्यमधोत्रियोपभोग्यं वा देवद्रव्यमाह्वयविधवाद्रव्यं वा गूढमनुप्रविश्य...  
अपहरेत् । अर्थ० I. 18. 9. Vide also II. 36. 11, III. 16. 32-33, 39.

215 विवाहपदेषु चैषां यावन्तः पणा दण्डाः ... राज्ञश्चरेयुः । अहिरण्यसिन्धुः  
पाषण्डाः साधवः । ते यथा स्वमुपवासव्रतैर्गाराधयेयुः, अन्यत्र पारुष्येण  
साहससंप्रहणेभ्यः । III. 16. 38-40.



the same sense as in Manu. But Aśoka employs the word *pāṣaṇḍa* in the sense of a religious order or sect and not in a derogatory sense. In Rock edict XII he says 'King Priyadarśin honours all *pāṣaṇḍas* (*pāṣaṇḍāni*), all ascetics and householders with gifts and in various modes of honour'. In Rock Edict V. Aśoka says he appointed officers called *Mahāmātras* when he had been crowned king thirteen years and that those high officers were concerned with all *pāṣaṇḍas* (all sects or denominations) for the glorification of dhamma. This establishes that the word *pāṣaṇḍa* had been in use long before Aśoka's time. In Kauṭilya's day, in the *Mahābhārata* and in Manu the word had been used in a derogatory sense. Dr. B. M. Barua (in 'Inscriptions of Aśoka, Part II. p. 255) holds that 'pāṣaṇḍa' is a corruption of 'pārṣada'. I am sorry that I cannot agree with him. *Parīṣad* (later *parṣad* also) is a very ancient word. It occurs in the *R̥gveda* (III. 33. 7) in the literal sense (viz. crowding or sitting round). In the *Br. Up.* VI. 2. 1 it occurs in the usual sense (an assembly of learned men or of men). Pāṇini provides that from 'Parīṣad' one gets the derivative 'pārīṣadya' (IV. 4. 101) or 'pārīṣada' by *Yogavibhāga*. It is difficult to see how from *pārṣada* (which simply means 'member of a *parīṣad*') we can get *pāṣaṇḍa* (phonetically as well as semantically), when it means a heretical sect (or even any sect or denomination). The word *Pārṣada* is employed in the *Nirukta* (I. 17) in the sense of 'Prātiśākhya' (*padaprakṛtīni sarvacaraṇānām pārṣadāni*).

The establishment of the temples of Śiva and Vaiśravaṇa (i. e. Kubera) was in vogue even in the times before the *Vārtikas* on Pāṇ. and the *Mahābhāṣya* and the *Mahābhārata*. While commenting on Pāṇ. VI. 3. 26 (*devatādvandve ca*) and the 2nd *Vārtika* thereon (*Brahma-prajāpatyādinām ca*), the examples given by the *Mahābhāṣya* are *Brahmaprajāpatī*, *Śiva-vaiśravaṇau*, *Skandaviśākhau*. The worship of *Vaiśravaṇa* and *Viśākha* declined later on. Therefore, when the A. mentions them together it follows that its age may be at least that of the *Vārtikakāra* (i. e. about 300 B. C.). The *Vanaparva* (274. 15-17) states that Kubera is lord of wealth, immortal, a *Lokapāla* and a friend of Śiva and king of *Yakṣas*.

8. Another indication of the age of the A. is that in 14. 28-33 it provides for the distribution of the fees in Aṅgī





stoma<sup>210</sup> and other solemn vedic sacrifices (*kratu*) for the priests, if any, falling ill at different stages of the Soma sacrifices and mentions the Brhaspatisava. When Buddhism was in the ascendant from the days of Aśoka and Kaniska till several centuries after the Christian era, such elaborate provisions about Vedic sacrifices like Agnistoma and Brhaspatisava in a work on government and administration are not likely to have been set out. That leads to the inference that the work was composed before Buddhism came to be in the ascendant and when Vedic sacrifices were still very common. Manu (in VIII. 206-207) provides in a general way how the fees are to be distributed among priests in a religious ceremony when one of them has to stop from taking part in any religious rite and leaves it to the other priests what was to be given to the one that leaves in the middle of a religious rite, but does not mention any solemn Vedic sacrifice.

This passage is quoted from K. in the Vyavahāraśiromaṇi of Nārāyaṇa, who was a pupil of the famous Vijñāneśvara (published by T. R. Chintamani in Annals of Oriental Research, Madras, at p. 29) and in the Vyavahāranirṇaya of Varadarāja, pp. 284-5 (published by the Adyar Library).

IX. The provisions about almanacs in the Arthasāstra II. 20 (on 'Deśakālamāna') are of great importance on the question of its probable date. K. states that a *Muhūrta*<sup>211</sup> is

216 अग्निष्टोमादिषु च क्रतुषु दीक्षणादूर्ध्वं याजकः सन्नः पञ्चममंशं लभते । सोम-  
विक्रयादूर्ध्वं चतुर्थमंशम् । मध्यमोपसदः प्रवर्ग्योद्वासनादूर्ध्वं द्वितीयमंशं लभेत ।  
सुत्ये प्रातःसवनादूर्ध्वं पादोनमंशम् । माध्यन्दिनाः सवनादूर्ध्वं समग्रमंशं लभेत ।  
नीता हि दक्षिणा भवन्ति । बृहस्पतिसववर्जं प्रतिसवनं हि दक्षिणा दीयन्ते ।  
तेनाहर्गणदक्षिणा व्याख्याताः । सन्नानामादशाहोरात्राच्छेषभृताः कर्म कुर्युः,  
अन्ये वा स्वपत्ययाः । अर्थ० III. 14. 29-34. सन्न (past participle of सद्  
to sit) appears to mean confined to a place, ill or incapacitated.  
The word occurs in III. 14. 19 and 21 in connection with agri-  
cultural workers and traders.

The Brhaspatisava is to be performed after one performs the Vājapeya sacrifice. Vide H. of Dh. vol. II. p. 1211. Jaimini (IV. 3. 29-31) holds that it is an āṅga of Vājapeya.

217 द्विनाडिको मुहूर्तः । पञ्चदशमुहूर्तो दिवसो रात्रिश्च त्रैत्रे चाश्वयुजे मासि भवतः ।  
ततः परं त्रिभिर्मुहूर्तैरन्यतरः षण्मासं वर्धते ह्रसते चेति । अर्थ० II. 28.  
36-38 ; compare विष्णुपुराण II. 8. 59. घर्मवृद्धिरपां प्रत्यः क्षपाह्रास उदगतिः ।  
दक्षिणे तौ विपर्यस्तौ षण्मुहूर्तयनेन तु ॥ 7th verse of वेदाङ्गज्योतिष  
( ऋग्वेद ) and 8th of याजुषवेदाङ्ग-ज्योतिष.

equal to two nādikās, that day and night are each of 15 muhūrtas in the months of Caitra and Āsvayuja (i.e. Āśvina), that thereafter each of the two increases up to three more muhūrtas in six months and is reduced to the same extent<sup>218</sup> in the next six. At the close of the chapter A. states that at the end of two years and a half an intercalary month is required in grīṣma (summer) and another intercalary month on the expiry of five years. The first statement that there is a difference of six muhūrtas between the longest and the shortest day i. e. the two are respectively of 36 and 24 ghaṭikas, is the same as that of the Vedāṅga Jyotiṣa. Western scholars place the Vedāṅga Jyotiṣa at about 400 B. C. The present author would like to place it some centuries earlier. Vide H. of Dh. Vol. V. part 1 p. 505 note 732. The statement that two intercalary months were allowed in five years was also the rule, according to the Mahābhārata (Virāṭaparva 52. 3-4) and the Yājusa Vedāṅgajyotiṣa (verse 35).

It is really not necessary to adduce further evidence for establishing the proposition that the Arthaśāstra follows the rules laid down by the Vedāṅga-Jyotiṣa about the almanac, that it does not rely on the rules laid down in the Siddhāntas about almanacs and that, therefore, it should be assigned to 300 B. C. and not so late as 300 A. D. Some points may yet be stressed.

X. The Arthaśāstra does not thoroughly follow Pāṇini's terminology. For example, it defines *paḍa* as 'Varṇasaṅghāta'<sup>219</sup>

218 एवमर्धतृतीयानामब्दानामधिमासकः । ग्रीष्मे जनयतः पूर्वं पञ्चाब्दान्ते च पश्चिमम् ॥ अर्थ० II. 20. 66. This is quoted in कालविवेक (p. 113) of जीमूतवाहन from ज्योतिःशास्त्र. पञ्चमे पञ्चमे वर्षे द्वौ मासावुपजायतः । एषामभ्यधिका मासाः पञ्च च द्वादशक्षणाः । त्रयोदशानां वर्षाणामिति मे वर्तते मतिः । विराटपर्व 52. 3-4 ; द्वयनं द्विषष्टिभागेन ज्ञेयं सौरं सपार्वणम् । यत्कृतावुपजायेते मध्येन्ते चाधिमासकौ । याजुषवेदज्ञज्योतिष verse 35 (H. of Dh. S. Vol. V. part I p. 662, n. 1022). Vide Dr. Fleet in JRAS for 1914 at p. 998 (on the Taxila Inscription of the year 136) for the views of Dr. Marshall and his own.

219 वर्षसङ्घातः पदम् । तच्चतुर्विधं नामाख्यातोपसर्गनिपाताश्चेति । तत्र नाम सत्त्वाभिधायि । अव्ययश्चादयो निपाताः । अर्थ० II. 10. 14-16, 19. Compare प्रागरीश्वरान्निपाताः । चादयोऽसत्त्वे । प्रादयः । उपसर्गाः क्रियायोगे । पाणिनि I. 4. 56-59. Compare निरुक्त I. 1 तथान्येतानि चत्वारि पदजानानि । ख्याते चोपसर्गनिपाताश्च । सत्त्वप्रधानानि नामानि ।



(a group of letters), while Pāṇini defines it as 'sup-tinātam padam' (I. 4. 14) and further on A. follows the 'Nirukta' in the four classes of *padas* and the definition of *nāman*. If it had been composed five or six centuries after Pāṇini (i. e. about the 1st or 3rd century A. D. as some scholars suppose) it would have most probably followed Pāṇini completely. Therefore, the Arthasāstra must be held to have been composed at a time when Pāṇini's work had not become universally accepted or relied upon.

XI. Many of the words used by the Arthasāstra in the matter of Govt. and administration are in accord with Pāṇini. For example, the Arthasāstra emphasises that the king is there for good government (vide p. 229 above for 'prajāśukhe sukham rājñah'). Pāṇini also provides that the word 'rājanvān' (VIII. 2. 14) is used when there is a good king and that otherwise the word is 'rājavān'. Many words about officers found in A. are mentioned by Pāṇini either in sūtras or in the gaṇas. For example, A. has the longest *adhikaraṇa* called 'adhyakṣapracāra'. Pāṇini (VI. 2. 69) provides 'Vibhāṣādhyakṣe'. Kauṭilya mentions about twentyfive kinds of departments and their *adhyakṣas* Pāṇini (III. 2. 21) provides for the word 'lipikara'. A. employs the word 'lipi' in I. 5. 7; I. 12. 11. Pāṇini has two sūtras 'tatra niyuktaḥ' and 'agār-āntāt-ṭhan' (IV. 4. 69-70), while A. employs such words as 'Dauvārika' and 'Ākarika' (II. 12. 20 'ākare niyuktaḥ'), 'Koṣṭhāgārika' (from Koṣṭhāgāra in A. II. 4; 8), Bhāṇḍāgārika (from 'bhāṇḍāgāra in A. II. 4. 10). From the word 'atyaya' (which is included in the Vinayādi-gaṇa by Pāṇini V. 4. 34) we get 'ātyayika' (which occurs in A. I. 15. 58, V. 5. 2) and also in Aśoka's Rock Edict VI (ācayika) and there is Vinayādhikārikam (in A. I. 1). The Vinayādigāṇa has several words (from 'samayācāra' we get 'sāmayācārika' which occurs in A. V. 5 as the name of the chapter and Āp. Dh. S. I. 1. 1. 1).

Two of the most difficult problems concerning the Arthasāstra are its relation to Manusmṛti and to the Mahābhārata. As regards the Manusmṛti it would be shown below that some verses and half verses are identical in both A. and the Manusmṛti. The extant Manusmṛti refers by name to a few predecessors, such as Atri, Utathyatanaya (i. e. Gautama), Śaunaka and Bhṛgu (in Manu III. 16) and Vasistha (Manu VIII. 140) and states the views of Svāyasa-



bhuva Manu ( IX. 158 ) or simply of Manu ( as in VIII. 279 ). The A. mentions the views of ' Mānavāḥ ' several times but those views do not all correspond to the statements in the Manusmṛti. In the Dharmasthīya section the A. often agrees with Manu and Yāj. but sometimes Yāj. does not agree with A. Compare Manu VIII. 279 with A. III. 19. 8, but Yāj. II. 215 differs. In the present author's opinion Yāj. is much later than the A. and the extant Manusmṛti also is later than it, though, it is nearer in time to A. The extant Manusmṛti is a revised version of the original Manusmṛti made between 200 B. C. to 200 A. D.

Vas. 19. 17 cites a śloka ( ' na bhinna-kārṣapaṇa &c ' ) as a Mānava śloka ( in the Upendravajrā metre ) not found in extant Manu. Verses are cited as Manu's by comparatively early writers like Viśvarūpa ( first half of 9th century A. D. ), but they are not found in the extant Manu e. g. the verse ' Dhanam yad-yāgaśilānām ' cited by him on Yāj. III. 252 as Manu's is not so found.

As regards the Mahābhārata, the problem is far more difficult. As shown above the Śāntiparva ( in 58. 1-3 ) names certain expounders of *rājaśāstra*, almost all of whom are named by A. and criticized. Another noteworthy fact is that the Mahābhārata in its several *parvans* mentions the views of Manu ( simply ) or of Svāyambhuva or Prācetasas dozens of times e. g. *Svāyambhuva* occurs in.

*Ādi*—73. 8-12 ( compare Manu III. 20-21, 23, 24-25 ); this last is same as Manu III. 25; *Ādi* 120. 36 ( on 12 kinds of sons ), Vanaparva ( 180. 34-35 ) same as Manu ( II. 29, 170, 172 ), Udyoga 37. 1., *Śānti* 21. 11-12; *Anuśāsana* 114. 12.

*Prācetasas Manu*—two verses from Rājadharmas in *Śānti* 57. 43-45, same two verses in Udyogaparva 33. 79-80, *Anuśāsana* 46. 1-2 ( Manusmṛti III, 54 ).

*Manu alone*—in *Ādiparva* 41. 31, 74. 99, *Śānti* 56. 23-25 ( last two verses as occurring in Manu's dharmas, one ' adbh-yognir ' occurs in Manusmṛti IX. 32 and in Udyoga 15. 34 ); *Śānti* 78.31 ( brahmalokajitah svargyān...tān-Manur-abravīt ), 112-17 and 121. 10-12, 152. 14, 265.5 ( on ahimsā ); *Anuśāsana* 44.18, 44.23, 47.35 ( *Śūtra of Manu* ), 61. 34-35 ( *Chaturtham matam—asmākam Manoh śrutvānuśāsanam* ); compare Manu VIII. 18 for same view ); *Anuśāsana* 65. 3, 67. 19 ( Manu III. 5

first half same), 68. 31, 115. 52-53; Vanaparva 32. 39 (kartavyam eva karmeti *Manor-eṣa viniścayaḥ*), 35. 21 (Manu on Rājadharmā).

In the preceding reference is made only to passages of the Epic in which Manu is expressly named. But there are hundreds of verses that are common to the Mahābhārata and the extant Manu-smṛti. Dr. Bühler in his Introduction to the translation of the Manusmṛti (S. B. E. Vol. 25) states that in three parvans alone (Vana, Śānti and Anuśāsana) 260 verses are found in Manu also (Intro. p. LXXXIII-XC) and his conclusion was that the Mahābhārata influenced the final redaction of Manu.

The present Mahābhārata contains many matters that are very much like those in the Arthaśāstra. The eulogy of *daṇḍa* occurs in A. (I. 4. 8-16), in Śāntiparva (chap. 15 and 121) and also in Manu VII. 17-31 and some of the verses in the latter two are almost the same. The word 'labdha-prasamana' occurs in Śānti 45.10 and A. XIII. 5. In A. VI. 1.1 the elements of the State are said to be seven and the same is the idea in Śāntiparva 5 and Manu IX. 294. For the antiquity of the Itihāsa and Purāṇa, vide H. of Dh. Vol. V. pp. 816 ff. In the Pāriplava that was listened to for a year in Aśvamedha, Itihāsa and Purāṇa were recited on the 8th and 9th days (vide H. of Dh. Vol. V. p. 866). Therefore, it follows that some legendary lore like that in the Mahābhārata existed in the Vedic age. It seems that Epic poems were probably the earliest of the three viz. the Mahābhārata, Dharmśāstra and Arthaśāstra. But it should be noted that the extant Mahābhārata several times refers to Dharmaśāstras as in Vanaparva 207. 83, 293. 34, 313. 105, Śānti 167. 4, Anuśāsana 9. 6-7. These verses might be later additions.

We can see from Pāṇini that the epic and some of its principal characters and some episodes were known to him e.g. he knows Bhārata and Mahābhārata (VI. 2. 38), Yudhiṣṭhira (VIII. 3.95), Vāsudeva and Arjuna (IV. 3.98); 'Vāsudevaka' would mean 'Vāsudevaḥ bhaktirasya' and Patañjali expressly says that Vāsudeva is the name of Bhagavat (Vāsudevaśabdasya pūrvanipātam vaksyāmīti, athavā naiśa ksatriyākhyā, sañjñanaiśa tatrabhavataḥ). The Aśvalāyanagrhya (on Tarpana III. 4) mentions 'Bhārata-Mahābhārata-dharmacāryaḥ'. The Mahābhāṣya (on VIII. 1. 15) gives *divan*

Yudhiṣṭhirārjunau' (and not 'dvandvam Yud.' as an example on Vārtika I (as they are not well-known as being extremely 'sahacarita' like Skanda and Viśākha, although they are brothers; vide Vārtika 7 'bhrātuśca jyāyasaḥ' on Pāṇ. II. 2. 34; 'Duryodhana' and 'Duḥśāśana' seem to be known at least to the Vārtikakāra (vide Mahābhāṣya on Vārtika on Pāṇ. III. 3. 130). The name Aśvatthāman is derived in a Kārikā (sthāmno lugajināt tathā) on Vārtika (on IV. 3. 60). Vārtika 6 dealing with 'Ākhyānam' and Vārtika 15 on Pāṇ. III. 1. 26 refer to the story of Kāmsavadha and Balibandha and the Mahābhāṣya on the last states that in dramas and pictures 'Kāmsavadha' and 'Balibandha' are exhibited, although both these events occurred long ago (katham vartamānakālātā Kāmsam ghātayati Balim bandhayatīti cirahate Kāmse cirabaddhe ca Balau)' and further some are shown in the dramatic or pictorial presentations as devotees of Kāmsa and some as Vāsudeva-bhakta. The Mahābhāṣya on Vārtika 2 on Pāṇ. III. 2. 111 quotes 'jaghāna Kāmsam kila Vāsudevaḥ,' Kielhorn Vol. II. p. 119). The story of Kāmsa's defeat and death before the Rājasūya of Yudhiṣṭhira is mentioned in Sabhāparva 14. 30-34 and in Udyogaparva 128. 38-40. It follows therefore, that the Mahābhārata along with at least some of its ākhyānas was well-known to Pāṇini and the Vārtikakāra. The Mahābhāṣya (Kielhorn, Vol. I. p. 426 on Pāṇ. II. 2. 24) quotes 'Śaṅkarsaṇa-dvitiyasya balam Kṛṣṇasya vardhatām' and 'prāsāde dhana-pati-rāma-keśavānām', thereby showing that Śaṅkarsaṇa or Balarāma and Kṛṣṇa were brothers (Kielhorn I. p. 436 on Pāṇ. II. 2. 34).

Pāṇini and the author of the Vārtikas flourished as shown above (pp. 75-79) respectively about 450-400 B. C. and 300-250 B. C. Therefore, the Mahābhārata and some legends must be held to have come in vogue not later than 450 B. C. The references in the Arthaśāstra (noted below) to the stories in the Mahābhārata need not lead to the A. being assigned to a date later than 300 B. C.

Janamejaya is said to have been guilty of *brahmahatya* (killing of a brāhmaṇa) unintentionally and he is said to have gone to sage Śaunaka Indrota who instructed him as to the actions that would free him of the great sin (in Śāntiparva, Chap. 150-152). Aila, son of Ilā (who was both mother and father), is Purūravas that ruled over thirteen dvīpas (con-



tinents) and yet deprived (through greed) brāhmaṇas of their jewels (valuables, *ratnas*) and was cursed by great sages and perished (Ādiparva 75. 18-22). That Yudhiṣṭhira and Nala engaged in gambling is mentioned by A. in VIII.3.43. The story of Nala (and Damayantī, his queen) is narrated at great length in the Vanaparva (chap. 53-79) and is one of the very popular and fascinating stories in the Mahābhārata. In the extant epic Puṣkara is said to have been the brother of Nala (Vanaparva 50. 4 ff) and won in the gambling bout, while A. states that it was Jayatsena that defeated Nala in gambling. Nala is stated in the epic to have been the son of Vīrasena and Nala's young son's name was Indrasena. It is therefore likely that A. is correct and the epic story was tampered with slightly later. In the extant Karmaparva (91. 13) it is again affirmed that Nala was defeated in gambling by Puṣkara. Yudhiṣṭhira was defeated in gambling with Duryodhana and Śakuni (Sabhāparva, Chap. 58.77). In A. I. 8. several kings are mentioned as having perished through one of the six fatal vices (Kāma, Kopa &c). Duryodhana perished<sup>230</sup> (A. I. 6. 8) through pride by refusing to restore to the Pāṇḍavas even as little (of the kingdom) as would be pierced by the tip of a sharp needle (Udyogaparva). The story of Dambhodbhava mentioned in A. I. 6. 9 occurs in Udyogaparva (99. 5-41), he being humbled by the great sage Nara by discharging at him only reeds.

The story of Arjuna also called Kārtavīrya or Sahasrārjuna) king of the Hāihayas and ruler at Māhiṣmatī occurs several times in the Mahābhārata (viz, in Vanaparva 115. 9ff, Śānti 49.35ff, Anuśāsana 153. 3 ff. and Āśvamedhika Chap. 29) and Śāntiparva (46.53) states that Kārtavīrya and his sons and descendants were killed by Paraśurāma because of his haughtiness towards Jamadagni (his father). In the Raghuvamśa (VI. 38-40) Kālidāsa gives a grand description of Kārtavīrya's prowess. The story of Vātāpi and Agastya (referred to in A. I. 6. 10) occurs in the Rāmāyaṇa and also in the Mahābhārata (Vanaparva 98-99). For Ambariṣa vide above and Śāntiparva 29. In A. XIII. 3. 54-55 reference is made to a secret agent with a shaved head or with matted hair

220) दुर्योधन said 'यावद्धि सूच्यास्तीक्ष्णाय विध्यदग्ने केशव । तावदुद्योगं  
त्याज्यं भूमेर्नः पाण्डवान प्रति ॥ उद्योगः 127. 25; the same words  
उद्योगः 58. 18 (only मारिष for केशव).



and giving oneself out as a devotee of Saṅkarsaṇa, overreaching robbers by administering a stupefying liquid and attacking them. Saṅkarsaṇa or Balarāma (elder brother of Kṛṣṇa) is described in the Mahābhārata (Udyogaparva 157. 19-20) as 'Madaraktāntalocana' (whose eyes were red with intoxication).

K. (in IV. 8. 12) states that Aṇimāṇḍavya declared himself to be a thief, though not a thief, through fear of the pain of torture. In the epic it is said that he remained silent when questioned (Ādiparva 107.9). He is also referred to in Ādi 63. 92-93 (śūle protaḥ purāṇarṣiracoraś-cauraśaṅkayā) and 108. 6-8.

From the above discussion about the references to the Mahābhārata and its stories and characters in Pāṇini, Patañjali and in Kauṭilya's work it is clear that the A. knew not only the main story of the great epic and its chief characters but several episodes also.

As regards Purāṇas, the A. is very sparing about references to them. In V. 6.47 (which is a verse) there is reference to Itihāsa and Purāṇa. Other references to Purāṇas such as in I. 5. 14 (Purāṇa being included under Itihāsa) and in III.7.29 (about Paurāṇika Sūta and Māgadha) might be interpolations. The Upaniṣads speak of Itihāsapurāṇa as a compound or as separate words in Chāndogya Up. VII. 1. 2 and 4 and VII.7.1 and Brhadāranyaka II. 4. 10, IV. 1. 4, IV.5.11. Vide, for the history of Purāṇas from ancient times onwards, H. of Dh. Vol. V. pp. 816-825 and the four or five stages in the evolution of Purāṇas pp. 853-55 of the same Vol. Kauṭilya seems to have known the Purāṇas. He says (III.7.29) that *sūta* and *māgadha* of the Purāṇas are quite different<sup>221</sup> from members of the mixed castes called *sūta* and *māgadha* and includes Purāṇa (I. 5) among the subjects of royal study grouped under the head of *itihāsa*.

Kauṭilya exhibits a wonderful knowledge of herbs and drugs and Dr. Jolly thinks that his *Materia Medica* is more extensive than even Suśruta's. But the dates of Caraka and Suśruta are far from being settled and no approximately certain conclusion can be drawn from the drugs mentioned in the Kauṭilya. Kauṭilya speaks of 'rasada' (one who administers

mercurial poison) and prescribes banishment for those who trade in or administer 'rasa' for money in order to do away with a person secretly (IV. 4. 17-18). In II. 13 he speaks of gold that is 'rasa-viddha' (amalgamated with mercury) and in II. 12 of liquids containing gold (rasāḥ kāñcanikāḥ) and of Hinguluka. Dr. Jolly thinks that this knowledge of metallurgy and alchemy is of Graeco-Syriac origin and so the Kauṭīliya is a work of the third century A. D.

It is of great importance to note that Kauṭīliya lays down (II. 4) that in the midst of the fort were to be constructed the temples of Śiva, Vaiśravaṇa, the Aśvins, Lakṣmī and Madirā (Durgā?) and niches were to be set apart for Aparājita, Apratihata, Jayanta and Vijayanta and that the tutelary deities of the gates were to be Brahmā, Indra, Yama and Senāpati (i. e. Skanda). We know from the Mahābhāṣya<sup>222</sup> (Kielhorn, Vol. II. p. 429) on Pāṇini (V. 3. 99 'jivikārthe cāpaṇye') that the Mauryas set up images out of greed for money and that in its day images of Śiva, Skanda and Viśākha were worshipped.

The foregoing discussion clearly shows that the Kauṭīliya has certainly an ancient atmosphere about it, and that all that has so far been gathered from it agrees with its traditional date of 300 B. C. and no cogent arguments have been yet brought forward that would compel us to assign it a date later than the above by six centuries.

Two commentaries on the Kauṭīliya have been brought to light so far, one composed by Bhaṭṭasvāmin being called Pratipadapañcikā and the other the Nayacandrikā of Mādha-vayajvan. Both are fragments. The first was published in the Journal of the Bihar and Orissa Research Society (1925-1926, vol. XI and XII) by Messrs. K. P. Jayasval and A. Banerji-sastri. The com. is incomplete and begins with the 8th adhyāya of the 2nd adhikaraṇa and reaches up to the 36th adhyāya of the adhikaraṇa. The commentary on the whole work must have been very extensive, as the portion already printed on a part of the 2nd adhikaraṇa alone occupies 214 pages. This commentary quotes the explanations of

222 'अपण्य इत्युच्यते तत्रेदं न सिध्यति । शिवः स्कन्दः विशाख इति कारणम् । मौर्यैर्हि रण्यार्थिभिरर्चाः प्रकल्पिताः । भवेत्तासु न स्यात् । यास्तेषां संप्रति पूजार्थास्तासु भविष्यति । महाभाष्य.



previous commentators in the words 'anye', 'apare'. It quotes several ślokas of Brhaspati on the blemishes of diamonds and on *prakāśa-taskaras*. The commentary *Naya-candrikā* contained in Dr. Jolly's edition (Lahore) also is incomplete and begins with the 7th adhyāya of the 7th adhikaraṇa and breaks off in the 4th adhyāya of 12th adhikaraṇa. It also refers to the views of its predecessors in the words 'kecit' &c. (vide pp. 35, 61, 62, 104, 115, 131, 191). It discusses various readings (pp. 136, 183, 188, 193 &c.).

Dr. Shamasastri includes in his edition 571 sūtras attributed to Cāṇakya. Their relation to the Kauṭīliya is a subject which requires careful investigation. In my own opinion they are later than the Kauṭīliya. It would be beyond the scope of this work to enter into details. Vide Dr. Jacobi's article in *Indian Historical Quarterly*, vol. III., pp. 669-676.

There are several *nīti* collections attributed to Cāṇakya and published several times in different parts of India. All of them are later than the Kauṭīliya and are compilations of maxims and fine sayings. One of them the *Cāṇakya-rājanīti-śāstra* (published in Calcutta Oriental series, 1921, 2nd edition) contains 660 verses and was compiled under Bhojarāja. Several other compilations pass under the names *Vṛddha-Cāṇakya*, *Laghu-Cāṇakya* &c. All these are passed over here from considerations of space and utility.

Dr. Sternbach has devoted much labour and time to the several works published under the name of Cāṇakya. Those interested may read the following: J. A. O. S. Vol. 76. pp. 115-130 (Cāṇakya's aphorisms in the *Hitopadeśa* passages), J. A. O. S. Vol. 77 pp. 26-31, 107-115, 166-183), J. A. O. S. Vol. 79, pp. 233-254 (*Mānavadharmasāstra* verses in Cāṇakya's compendia), JAOS. Vol. 83, pp. 30-66 (*Mahābhārata* verses in Cāṇakya's compendia), ABORI Vol. 37, pp. 58-110, ABORI Vol. 42, pp. 99-122 (*Tibetan Rājanīti-śāstra*), *Vishveshvaranada Indological Journal* I. pp. 66-77 (verses from three anthologies examined).

A few matters may be emphasized here that make the K. A. unique in some respects.

Even in the Vedic age there were high functionaries and officers of state and their names slightly differed in different



Vedic works. Vide H. of Dh. Vol. III, pp. 111-112\* for the eleven *ratnas* or *ratnins* ( besides the king ) with reference to the Rājasūya. Later on these functionaries were called Tirthas which are referred to in Sabhāparva V. 38, Ayodhyā-kāṇḍa ( 100. 36, Bom. ed., 94. 30 Cr. ed. Baroda ), Śāntiparva 69. 52. The Arthaśāstra ( I. 12. 6 ) names these and in I. 12. 20 states that they are 18 in number. The Arthaśāstra not only names the 18 functionaries but also gives a very interesting classification of these along with their cash salaries per year ( in V. 3 ). Some of them may be set out here. Acc. to K. A. V. 30. 2 the sacrificial priest, the preceptor ( ācārya ), minister ( mantrin ), the purohita ( chaplain ), the commander-in-chief, the Yuvarāja ( crown prince ), the king's mother and the crowned queen should receive 48000 ( paṇas ); the chief palace usher, the chief palace guard, the director of labourers, the administrator ( or collector ) of taxes and the Director of stores should receive 24 thousand; the princes, the mothers of princes, the Nāyaka ( commandant of the forces or police in the capital ), the judge ( in the capital ), the Director of factories, the council of ministers, the provincial officer and the officer in charge of the frontiers should receive 12000. It would be noticed that the Mantrin ( chief minister ), the Purohita, Senāpati and Yuvarāja are among the most important and most highly paid officials of the king. The Purohita was a very important and honoured person even in the Ṛgveda. Agni is called *Purohita* and *ṛtvij* in the very first verse of the Ṛgveda. The Aitareya-brāhmaṇa says that the Purohita is half the self of the Kṣatriya ( the King ) in 34. 8 ( ardhātmo ha vā eṣa kṣatriyasya yat purohitaḥ ) and ' the gods do not partake of the food offered by a king who has no purohita; therefore a king about to offer a sacrifice should choose a brāhmaṇa as purohita ' ( Ait. Br. 40. 1 ). Acc. to Kaṭilya the purohita performed both spiritual and secular

\* Vide H. of Dh. Vol. III p. 112 n. 147 where the original sūtra is quoted and some of the words are explained. Vide I. H. Q. vol. V pp. 780-783 for an article on salaries, and allowances in Kaṭilya. It should be noticed that the Nāyaka in V. 3. 7 is much inferior to Senāpati, but in X. 6. 45 ( which deals with actual array of army in battle and the officers therein ) senāpati means simply a commander ( of ten *patikas* ) and Nāyaka means a commandant who has ten commanders under him. The Pañcatantra ( in the 2nd ed. of 1936, p. 142 ) relates how Nārada asked Yudhiṣṭhira ( in the Mahābhārata ) questions about the eighteen tirthas in the words ' Kac-cid-aṣṭādaśānyeṣu.....cāraṇaiḥ ' ( which occur in both epics )

functions, since Artha' X. 3. 32 provides that the king should make the mantrin and purohita to accompany him in battle and to encourage the soldiers by dwelling upon the excellence of the array ( vyāha ) of troops in battle ( and in X. 3. 44 ) the assistants of the purohita should speak ( to the soldiers ) about the acts of sorcery and black magic ( undertaken by them ). The Senāpati ( commander-in-chief ) held a purely secular office and in II. 3. 33-34 K. states his qualifications, duties and functions, and in X. 3. 45 provides that the Senāpati should address the soldiers of the army after they are made well-disposed by the payment of money and the bestowal of honours and should offer to pay one hundred thousand *paṇas* to him who would kill the enemy king, 50 thousand for killing ( in battle ) the Senāpati or prince of the opposing army and lastly by offering double wages and gift of whatever a soldier may seize from the opposing army. It may be noted that K. provides ( in V. 3. 28-29 ) that of those that die on duty the sons and wives shall receive food and wages and their minor children, old men and sick persons should be shown favour ( should be helped ).

The king's prime duty was to offer security and protection to the subjects. Āp. Dh. S. ( II. 10. 26. 4-8 ) provides that the king should appoint for the protection of the subjects in villages and cities persons of the first three varṇas, pure as to money and truth-loving and the assistants ( *puruṣas* ) of those also should be possessed of the same virtues and that the king should arrange to guard a city against thieves for one *yojana* in all directions and a village for a *krośa* and they should re-imburse what is stolen within those limits. Kautilya makes an approach to the welfare state in IV. 3. 1-2, where he calls upon the king to protect the country from eight great calamities viz. fire, floods, disease ( epidemic ), famine, rats, wild elephants ( and similar animals ), serpents and evil spirits ( or demons ) and he provides remedies for these and adds that in all such cases the king should favour the afflicted ( people ) like a father ( *sarvatra copahatān pitevānugrṇīyāt* ). The Dharmasūtras and Smṛtis also mention certain persons as not liable to pay taxes<sup>223</sup> e. g.

223 अकरः श्रोत्रियः । सर्ववर्णानां च त्रियः । कुमाराश्च प्राम् व्यज्जनेभ्यः । ये च विद्यार्था वसन्ति । तपस्विनश्च ये धर्मपराः । शूद्रश्च पादवनेक्ता । अन्धश्च बधिरोगाविष्टाश्च । ये व्यर्था द्रव्यपरिग्रहैः । आप. सू. II. 10. 26. 10-17.







Kukurās, Kurus and Pañcālas, that maintained themselves on the title of *rājān* applied to them ( i. e. they were not cultivators of the soil and mere soldiers, but they were chiefs or nobles ). K. A. in VIII. 3. 62-64 ) remarks that of the vices of gambling and drinking, gambling is worse and that particularly, in the case of *saṅgha* and royal families, that the characteristics of a *saṅgha* viz. dissensions are caused by gambling that lead to destructions; hence gambling is the greatest among vices since it leads to weakness in governing.

It is noteworthy that in the passage quoted in the footnote about *saṅghas* ( oligarchies ), K. A. separately mentions the Licchavikas and Vṛjikas as *saṅghas*, while some modern writers such as Dr. U. N. Ghoshal ( p. 1 of his address in 1963 as President of the Asiatic Society of Bengal ) treat them as identical. Rhys Davids in 'Buddhist India' (pp.19-26) summarises the data about Indian Republics derived from Buddhist works and points out that the Vajjians ( Vṛjikas of K. A. ) had eight confederate clans of which the Licchavis and the Videhas were most important. The word *śreṇi* ( found in K. A. ) is very ancient, occurring as it does frequently in the sense of 'group, row, flock' even in the *R̥gveda* ( e. g. in I. 163. 10, III. 8. 9 ) and 'gaṇa' occurs dozens of times in the *R̥g.* The word 'saṅgha' is mentioned frequently by Pāṇini ( in III. 3. 86 in the sense of 'gaṇa' ), V. 2. 52, V. 3. 114 ( referring to 'Āyudhajīvi-saṅghas' among Vāhikas ). In V. 3. 115-117 Pāṇini mentions several Āyudha-jīvisāṅghas such as Vārkenyah or Vṛkāḥ, Pāraśavaḥ ( singular ) or Parśavaḥ ( plural ), Yaudheyah ( or Yaudheyāḥ in V. 3. 117 ). In I. 6. 10 K. A. reports that the *saṅgha* of the Vṛṣṇis perished by their foolhardiness in trying to assail Dvaipāyana. The Mahābhārata does not mention the attack on Dvaipāyana. The Mahābhārata states that the Yādavas included Vṛṣṇis, Andhakas, Bhojas ( Mausalaparva I. 14 ) and also Kukurās ( Mausala 5. 2 ), Mausala ( chap. 3 ) shows that Yādavas fought among themselves and perished. In Śānti 81. 25 Kṛṣṇa is said to be the chief ( President ) of the *Saṅgha* of Vṛṣṇis and in the Bhagavad-gītā Kṛṣṇa is identified with Vāsudeva of the Vṛṣṇis. In Śānti 107 there is an interesting discussion as to the causes of the destruction of the *Saṅghas* and *Gaṇas*. It is quite possible that K. mentions Licchavikas and Vṛjikas separately on the analogy of the

*nyāyas* called 'go-balivarda' or 'brāhmaṇa-parivrājaka' for which see H. of Dh. Vol. V. p. 1347. For the Licchavis of Vaiśālī, vide I. H. Q. XIX p. 98 and Jayaswal's History p. 112. For the Mallas, vide 'Buddhist India' p. 26, D. R. Bhandarkar's 'Ancient India' pp. 51, 79. Kukura is associated with Aparānta in the Nasik cave Inscription of Vāsisthī-putra Pulumāvi and in the Junagad Inscription of Rudradāman (E. I. VIII. pp. 44, 60). The Yaudheyas are said to have been routed by Rudradāman (E. I. VIII. at p. 44). On Yaudheyas, vide Quarterly Journal of Mythic Society (Vol. Silver Jubilee No. pp. 114-116) and Dr. Altekar's paper on 'Yaudheyas' in U. P. Historical Society's Journal Vol. 16 pp. 52-57 and Pāṇini IV. 1. 178 'na prācya-Bhargādi-yaudheyādibhyaḥ'. The Brhat-saṁhitā (IV. 25, XIV. 28, XVI. 21) refers to Yaudheyas and Ārjunāyanas. Vide Karna-parvan 5. 48 and Sabhā 52. 14-15 for Yaudheyas.

Another distinctive feature of K's work is the division of the administration into two branches, viz. the rural area (*janapada*) and the Durga (capital or urban area) each with distinct officers and duties. The first was in charge of the Samahartṛ and the Pradeśṭṛ (K. A. II. 6 and 35, IV. 1. 1) and the urban area (Durga) under the Nāgarika<sup>225</sup> (city Superintendent) as stated in K. A. II. 36. 1 (*samāhartṛvan-nāgariko nagaram cintayet*), the last having to look after the city (or capital). The city or capital was divided into four wards, each under an officer called Sthānika; an officer called Gopa was to look after ten families or twenty or forty families and was to find out the total number of persons, men and women (described) according to caste, gotra (family name) and occupation and also their income and expenditure. Numerous details about regulations and fines to be imposed by the Nāgarika are provided, which are passed over here. As regards the rural area the Samāhartṛ was to form it into four divisions, (place each division under an officer called sthānika and officers called *gopas* under the directions of sthānikas, were to look after groups of five or ten villages, prepare registers fixing the boundaries of villages, registers of the

225 'नगरात् कुत्सा-प्रावीण्ययोः। पा. IV. 2. 128. नागरक (from नगर) means one leading a bad life (नागरकश्चौरः) or one who is an adept (नागरकः शिल्पी). पाणिनि IV 4. 33 is 'रक्षति' (affix ठक्) समाजं रक्षति सामाजिकः, नगरं रक्षति नागरिकः.



houses and fields that were to pay ( or were not to pay ) taxes, to record the number of persons belonging to the four varṇas, the number of persons that were farmers, cowherds, traders, labourers or slaves, the number of two-footed or four-footed animals and the extent of money or forced labour, of duties ( tolls &c. ) and fines to be levied, the number of males and females among the families, the number of children and old persons, their occupations, their ( peculiar ) customs ( *caritra* ) and their income and expenditure. It would be noticed how elaborate were the provisions prescribed by K. for the preparation of a complete census of the capital as well as of the rural area.

\*In the B. I. edition (1884) of the Kāmandakiya-nīṭisāra by Rajendralal Mitra with a com. compiled by three Pandits the word Kauṭalya is explained as follows: 'Kuṭa' means 'ghaṭa'; ( with affix *la* ) 'Kuṭala' means one who stores only as much corn as fills a jar and Kauṭalya would mean a descendant of such a person.<sup>226</sup> The learned editor of the Arthasāstra in the Trivandrum series, M. M. Ganapati Sastri accepts this ( Intro. p. 4 ) and the only authority he cites for Kauṭalya as a gotra name is that of a very late lexicon called Nānārthāṇavaśa-ṅkṣepa of Keśavasvāmin. It is remarkable that the learned Mahamahopadhyaya prints the name of the work as Kauṭīliyam and in the opening verse of his commentary also keeps the word Kauṭīliya and in the first sentence ( of the com. ) also prints the author's name as Kauṭīlya, on p. 25 in the last verse of the first chapter he reads 'Kauṭīlyena kṛtam śāstram', again on p. 27 he prints 'catasra eva vidyā iti Kauṭīlyah', on p. 33 'neti Kauṭīlyah' and on p. 39 'Artha eva pradhāna iti Kauṭīlyah'. It is difficult to believe that the great Mahamahopadhyaya, who had till then edited 80 works and who had two mss. of the work in Tamil characters and one in Telugu characters, printed the author's name as Kauṭīlya by sheer carelessness ( *anavadhāna*, as he states in his Sanskrit Introduction ). If such an experienced and learned Pandit is

\* This occurred to the author after all other matters about Kauṭīlya were finished and so that matter has been placed at the end.

226 कुटो घटः तं धान्यपूर्णं लान्ति संगृह्णन्ति इति कुटलाः कुम्भीधान्या इति प्रसिद्धिः । अत एव तेषां कुटलानामप्यं कौटिल्यः विष्णुगुप्तो नाम तद्वंशे सः प्रसिद्धो बभूवेति । Mr. D. B. Diskalkar refers to one inscription of Ganesar near Dholka dated in Vikrama-samvat 1291 ( 1845-46 A. D. ) which ( he says ) in line 9 reads 'kauṭilya'.



careless and writes the word as Kauṭilya many times instead of Kauṭalya ( which his three mss. supported as he says ) it is easy to believe that some later scribes purposely changed the word or carelessly wrote it as Kauṭalya. The form Kauṭalya makes its appearance in some works and inscriptions after the 11th or 12th century A. D. This was probably due to later writers' unwillingness to hold that the great Cāṇakya who helped Candragupta to drive away the Greeks from India and wrote an excellent work on Politics should have borne such an opprobrious name as Kauṭilya. But the word Kauṭalya makes hardly any sense. Manu ( IV. 7-8 ) recommends that Brāhmaṇas should not amass wealth, should not have more corn than what is contained in a granary of bricks or that they should be kumbhīdhānya or possess only as much grain as would suffice for three days ( for the family and servants ) or only for one day. Yāj. ( I. 124 and 128 ) provides that a good brāhmaṇa should have only as much stock of grains as would suffice for one year ( for family &c ) and should not go in for a Soma sacrifice if he has less or should have as much grain as would be contained in a granary or contained in a Kumbhī or as would last for three days or one day. These ancient smṛtis ( Manu IV. 8, Yāj. I. 128 ) provide that the more penurious a brāhmaṇa is the more he becomes praiseworthy or should be more honoured. The commentators differ about the meaning of Kusūladhānya and Kumbhī-dhānya ( vide Kullūka on Manu IV. 7 ). Kumbhīdhānya means either one who has in store as much corn as would last for six months ( Medhātithi ) or as would last for six days ( Govindarāja ). But no one uses the word kuṭadhānyaḥ or ghaṭadhānyaḥ. Kumbhī is a technical word in Manu and Yāj. Therefore, to take *kuṭula* as Kumbhīdhānya is not only far-fetched but unwarranted. Besides, the Purāṇas ( e. g. Matsya and Vāyu ), Bāṇabhaṭṭa, Mudrārākṣasa, and Bhavabhūti ( who employs the words—' Kuṭila-naya-niṣpātamanasām' ) point to Kauṭilya as the name and no one has shown that Kauṭalya occurs in early Inscriptions ( though Kauṭilya occurs as a gotra in early inscriptions from the 7th century A. D. ). Vide Danda-viveka of Vardhamāna pp. 134-135 for a discussion of the meaning of Kumbha ( it winds up by saying ' nānārtha Kumbhaśabdah' ).

In the Śāntiparva ( 243. 2-3 ) it is stated that there are four ways of maintenance for a brāhmaṇa householder, viz. *by*



may be Kusūladhānya or Kumbhādihānya or he may be a 'Aśvastana' i. e. storing only as much corn as would suffice for a day or he may follow the way of Kapota birds and that each one of these ways is superior to each preceding one. The Manusmṛti (IV. 7-8) mentions four ways of living for a brāhmaṇa viz. Kusūladhānya, Kumbhādihānya, Tryahaihika (one storing only as much corn as would suffice for three days for the family and servants) or he may be 'aśvastanika' (not storing even for the next day). The Manu-smṛti (in IV. 4-6) states that a brāhmaṇa householder may follow for his livelihood the method of ṛta (i. e. collecting with his fingers grains that have fallen down in a field or on a public way or collecting the fallen pods of grain) or the method *amṛta* (grain got without asking) or of *mṛta* (collecting alms by begging) or of *pramṛta* (method of agriculture) or by *satyāṇṛta* (i. e. trade); but a brāhmaṇa should not follow Śvavṛtti (dog's way i. e. serving or labouring for another). Viśvarūpa on Yāj. I. 127 (where also the words Kusūladhānya and Kumbhādihānya are used) explains that "Kusūla means Koṣṭhaka and is a measure for corn equal to twenty droṇas and Kumbhī is half of that and quotes a half verse (Daśadroṇā smṛtā Kumbhī Kusūlo dviguṇastataḥ, ityabhiyuktopadeśāt). (In VIII. 3-20) Manu provides the punishment of *vadha* (either whipping, cutting of a limb or death) as the punishment for a thief who steals more corn than ten Kumbhīs. Viśvarūpa on Yāj. I. 127 (Vol. I p. 104 of T. S. S.) explains that Kusūla is Koṣṭhaka and is a measure of corn equal to twenty droṇas and Kumbhī is half of that and quotes a verse (Daśa droṇāḥ smṛtā Kumbhī Kusūlo dviguṇastataḥ). Kṣīrasvāmin on Amarakośa mentions Kuḍava, Prastha, Ādhaka, Droṇa and Khārī as measures, parimāṇas), quotes a verse, stating four Palas are equal to Kuḍava, four Kuḍavas are equal to prastha, four prasthas are equal to ādhaka, eight ādhakas are equal to droṇa and the quantities of these measures differ in different countries i. e. in some countries four ādhakas are equal to droṇa and twenty droṇas make a Kumbha. The Mit. on Yāj. III. 265 quotes Manu VIII. 320 and remarks that Kumbha is equal to five thousand palas. A Kumbha or Kumbhī was a large measure in any case and not a jar, as M. M. Ganapatisastri says without any authority. Therefore, from kuṭa (a jar), one cannot jump to the conclusion that kuṭala would mean Kumbhādihānya or Kumbhādihānya.





### 15. *Vaikhānasa-dharma-prasna*

The work has been published in the Trivandrum Sanskrit Series by Pandit T. Ganapati Sastri (1913) and also edited by Dr. Caland in B. I. Series (1927) and translated into English (1929) with a learned Introduction.

Mahādeva in his commentary called *Vaijayantī* (Ānandāśrama ed.) on the *Satyāśādhā Śrautasūtra* speaks of six Śrauta Sūtras of the Black Yajurveda viz. Baudhāyana, Bhāradvāja, Āpastamba, Hiranyakeśin, Vādhūla and Vaikhānasa, and frequently cites passages from the *Vaikhānasa-śrautasūtra*. In the *Caranavyūha* of Śaunaka, Vādhūla and Vaikhānasa are not mentioned. But that Vaikhānasa was a very ancient writer follows from the references contained in the ancient dharma works. In Gautama the word 'Vaikhānasa' occurs (Dh. S. III. 2) as the name for the order of forest hermits (Vānaprastha) and in another Sūtra (III. 26) he lays down that fire was to be consecrated according to the *Śrāmaṇaka*,<sup>227</sup> which latter is explained by Haradatta as *Vaikhānasa Śāstra*. Baudhāyana (Dh. S. II. 6. 17) has the same Sūtra<sup>228</sup> and defines a Vaikhānasa as one who follows the rules of conduct laid down in *Vaikhānasa śāstra* (Dh. S. II. 6. 16). The *Vasiṣṭha* Dh. S. (9. 10) also has the same sūtra as Gautama (Dh. S. III. 26). The *Manusmṛti* (VI. 21) speaks of the Vānaprastha as one who abides by the views of Vaikhānasa (*Vaikhānasamate sthitaḥ*). Gau. III. 25-34 and Vas. IX. 1-11 deal with Vaikhānasa. Printed Gaut. III. 26 reads 'śrāvaṇakenāgnimādhāya' while Vas. IX. 10 has 'śrāmaṇakenāgnimādhāyāhitāgnīḥ syāt'.

Kalpataru (Mokṣakāṇḍa) p. 20 reads as 'śrāvaṇakena', quotes Bhatriyajña as 'Vaikhānasam śāstram śrāvaṇakam', on p. 22 quotes a very long prose passage from Hārīta beginning with 'Tretām Śrāvaṇakam vāgnimādhāya'. The Manu-

227 'श्रावणकेन (श्रामणकेन?) अग्निमाधाय' गौ. ध. सू. 3. 26 and बौ. ध. सू. 11. 6. 17, वसिष्ठ IX. 10.

228 गोविन्दस्वामी, the commentator of Baud., says 'वैखानसोपि वानप्रस्थ एव । संज्ञान्तरकरणं तु संव्यवहारार्थम् । विखनसा ऋषिणा प्रोक्तं वैखानस-शास्त्रम् । तत्र हि बहवो वानप्रस्थारयोक्ता ग्रामे पञ्चतपा इन्द्रिय-समुदाचाराः'.



smṛti ( VI. 1-32 ) deals at length with the stage of Vānaprastha or Vaikhānasa. From Manu VI. 21 it follows that a śāstra called Vaikhānasa was known to the Manusmṛti. Kalpataru ( Brahmacārī° p. 268 ) quotes a long passage from Hārīta Dharmasūtra, which says that four āśramas are a ladder by which gods and the *pitṛs* reached immortality ( *saiśāśramaniśrenir-yayā devāḥ svapitaraścāmṛtatvam agacchan* )'. Maskaribhāṣya on Gaut. Dh. S. ( III. 2 ) explains 'Vikhānasā proktam śāstram Vaikhānasam tadvidhinā vartata iti Vaikhānasah' and quotes an interesting prose passage from Uśanas 'Dvau brahmacārīṇā upakurvāṇo naiṣṭhikaś-ca dvau Vaikhānasau sapatnīko vipatnīkaśceti, dvau sanniyāsinau bhikṣusanniyāsī vedasanniyāsī ceti, bahudhā gr̥hasthāḥ śālīna-yāyā-varādibhedena'. Śrāmaṇaka is probably derived from the word 'Śramaṇa' that is found in Br. Up. IV. 3. 22, which describes the state of a person who has realized the Highest Self. He is then above and beyond all the ordinary relations of life, such as, if he was a śramaṇa before, he becomes aśramaṇa or if he was a *tāpasa* he becomes devoid of that state &c. Vide Tai. Ār. II. 7. 1 and 'Kumāraḥ śramanādi-bhiḥ' Pāṇini II. 1. 70. Vaikhānasa is formed from the word Vikhanas.

The Vaikhānasadharmapraśna is divided into three praśnas, each praśna being subdivided into khaṇḍas. There are in all 41 khaṇḍas. The work is a small one. The contents of the work are:— I. the four *varṇas* and their privileges, and the four *āśramas*; duties of *brahmacārīn*; four kinds of *brahmacārīns*; duties of the householder; four kinds of gr̥hastha, *vārtāvṛtti* (subsisting by agriculture), *śālīna*, *yāyāvara* and *ghorācārīka*; forest anchorites; vānaprasthas are either sapatnīka (accompanied by their wives) or apatnīka (not so accompanied); Sapatnīka are of four sorts, Audumbara, Vairiṇca, Vālakhilya and Phenapa; apatnīka Vānaprasthas; four kinds of *bhikṣus*, viz. kuṭicaka, bahūdaka, haṃsa and paramahaṃsa; sakāma (performed with desire of wordly gain) and niṣkāma (not so performed) *karma*; pravṛtti and nivṛtti; three kinds of Yogins and their sub-divisions; II. the details of the śrāmaṇaka rites of the vānaprastha (khaṇḍas 1-4); duties of the forest hermit; details of joining the order of samnyāsins (khaṇḍas 6-8); age for samnyāsa (above seventy or when childless or widower); every day duties and observances of samnyāsins; about *ācamana* and *sandhyā*; salut

ing (abhivādana) of all relatives, male and female; holidays from study (anadhyāya); bath and Brahmayaājña; rules about taking food; forbidden and permitted food; III. rules of conduct for gr̥hastha (khaṇḍas 1-3); rules of the road; purification of golden and other metallic things; purification of other things; about vānaprastha; *bhikṣu*; burial of a sannyāsin; Nārāyaṇabali on the death of a sannyāsin, *tarpaṇa* in the case of sannyāsins with twelve names of Viṣṇu, Keśava &c. and with water; *anuloma* and *pratiloma*; the intermediate castes; *Vrātyas*, their origin; name, and means of subsistence (khaṇḍas 11-15).

The Vaikhānasadharmapraśna appears by its style and its contents to be a work of comparatively later date than the dharmasūtras of Gautama and Baudhāyana. It is probably a recast of older materials. It contains the names of more mixed castes than the dharmasūtras and than even some of the later smṛtis. The present work seems to have been either written or retouched by a devotee of Viṣṇu. Faith in and devotion to Viṣṇu or Nārāyaṇa looms very large here (I. 5. 5 nārāyaṇa-parāyaṇāḥ, I. 7. 6 and 9; II. 4-5 bhaktyā Viṣṇum dhyāyan, III. 7. 3; Nārāyaṇaparam brahmeti śrutam, (III. 9. 3 Viṣṇor-rālayapārśve). It speaks of the eight *āṅgas* of Yoga (I. 10. 9), of the Āyurveda with its eight *āṅgas* and of some treatise on evil spirits (bhūtatantra III. 12. 7). It refers to the views of some in the word 'eke' (I. 7. 4. and II. 9. 10). It speaks of the Śrāmanaka fire (in I. 6. 2 and I. 7. 3-4). It does not allow *sannyāsa* to Kṣatriyas (I. 1. 11). Vikhanas is cited as an authority (II. 5. 9 and III. 15. 14).

Bühler found a ms. of the Vaikhānasasūtra consisting of a gr̥hya in seven praśnas, three praśnas of dharma (the same as described above) and a fourth on *pravaras*. In the gr̥hya a reference to Budhavāra occurs. "It is worthy of notice that the Vaikhānasa-gr̥hya (II. 12. 1-2, Caland's ed. p. 30) mentions Budhavāra in 'Athāsādhopākarma kuryāt āpūryamāṇa-pakṣe riktā-parvaṇī varjayitvā Budhavāre tithim gr̥hṇāti', and that fifty ābutis are offered to Agni, the Earth, the four Vedas &c. and among others to Sāvitrī, Prajāpati, Uśanas, Cyavana, Bṛhaspati, Aṅgiras, Śaṅkha, Likhita.

Besides, the Vaik. Gr. in IV. 10. 1. and 3 provides that after the daily homa in fire Viṣṇu should be worshipped, that such worship becomes the worship of all gods and that an



image of Viṣṇu should be established in the house and worship should be offered to it in the morning and evening every day after *koma*. Further, the Gṛhya in IV. 13 provides for *grahasānti*, since the proper functioning of the world depends on *grahas*. They are mentioned in the same order as in Yāj. I. 295 and the procedure, though similar to that in Yāj. I. 295-308, is more elaborate on some points. For example, it refers (IV. 14) to the classification of nakṣatras into janma, karma, sāṅghātika, sāmudāyika and vaināśika, which is not found in Yāj. but occurs in Yogayātrā of Varāhamihira. Vide H. of Dh. Vol. V. part 1 p. 529, notes 762-63.

Dr. Caland in his paper on Vaikhānasasūtra holds that the Manusmṛti borrows from Vaikhānasagr̥hya and that the author of the latter was saturated with the idiom of Dravidian languages (vide Prof. Keith's review in Bulletin of the School of Oriental Studies, 1927, p. 623). Dr. Caland's view about Manu is entirely wrong as will appear from the section on Manu. Vide Th. Bloch in 'über das Gṛhya-und Dharma-sūtra der Vaikhānasa' (Leipzig, 1896).

Dr. Caland (Intro. pp. XVI-XIX) put forward certain parallelisms between the Manusmṛti and the Vaikhānasasūtra. They are so flimsy that no serious notice need be taken of them and no acceptable conclusions can be based on them. Dr. Eggers published in 1929 (at Gottingen) his work 'Das Dharmaśāstra des Vaikhānasa', which was reviewed in J. R. A. S. for 1929 pp. 916-918. Looking to all that has been stated above the extant Vaik. Gṛhya-sūtra and Dharma-sūtra are later than Yāj. and may be assigned to about 300 to 400 A. D. Vide Dr. Caland's Intro. to the translation of the Smārtasūtra pp. XV ff.

### Other Sūtra Works on Dharma

It will be proper to say a few words about some other sūtra works on dharma that are only available in mss. or are to be reconstructed from quotations in the digests. It is by no means to be supposed that these works that will be spoken of here were composed as early as those of Gautama, Āpastamba and others or were composed before the extant Manu and Yājñavalkya. But as the chronology of all ancient works on dharma is somewhat in a nebulous state, it is best to mention here of all works written in the sūtra style, even though

individual cases they may really belong to a later age than the works composed entirely in verse. They will be taken up in alphabetical order ( Sanskrit ).

### 16. Atri

That Atri was an ancient writer on *dharma* follows from a reference to him in Manu ( III. 16 ) as holding the view that a *drījāti* taking as wife a śūdra woman became fallen (*patita*). In the Deccan College collection there are several mss. ( Nos. 185-187 of A 1881-82 ) of the Ātreyadharmasāstra in nine *adhyāyas*. They treat of gifts, prayers (*japya*) and *tapas* by which men are freed from all sins. Some of the chapters are in mixed prose and verse. The first three chapters are entirely in verse and some of the verses ( such as *ekākṣaram param brahma* ) occur in the Manusmṛti. The fourth opens with a long sūtra, which, in style, resembles later bhāṣyas and commentaries.<sup>229</sup> The 5th also is in verse and contains several verses found in Vasiṣṭha ( Dh. S. 28. 1, 4, 6 ). The sixth speaks of the specially holy hymns and verses of the Veda. Some of the verses here are the same as Vasiṣṭha ( 28. 10-11 ). The seventh refers to secret *prāyaścittas* and the very first sūtra after the opening words speaks of several non-Aryan tribes<sup>230</sup> such as the Śakas, Yavanas, Kāmbhojas, Bāhikas, Khasas, Vaṅgas and Pāraśa ( Persians ? ) &c. It is to be noted that the same sūtra ( with slight variations ) is quoted as Atri's by Apararka ( on Yāj. III. 266 p. 1123 ). The 7th and 8th chapters are in mixed prose and verse. The 9th is in verse and speaks of Yoga and its *āṅgas*. It refers to the fact that Śiśupāla, son of Damaghoṣa, because in his hatred of Govinda he always thought of the latter, went to heaven. The same sūtra work is noticed in I. O. Cat., pp. 380-81, Nos. 1305 and 1306.

229 अचीर्णत्रायश्चित्तानां यमविषयनरकयातनानिश्च (?) पतितानां यदि कदाचिन्मानुष्यं भवति तदैतच्चिह्नाङ्कितशरीरा जायन्ते । अनृतवादी खली ब्रह्महा कृष्टी &c.

230 अथातो रहस्यानि व्याख्यास्यामः । नटनर्तकगायन-गान्धर्विक-श्वपाककाहकवी-शोत्कटवीणाशास्त्र-शक-यवन-कान्वोज-बाह्लीक स्वश - द्रविड - वङ्ग - पारश-बीत्वातदीनां (?) भुक्त्वा प्रतिगृह्य च स्त्रीगमने सहभोजने रहस्ये रहस्यातिप्रकाशप्रकाश्यानि चरेत् ।

There are several works styled Atri-smṛti or saṁhitā in the mss. One of them is in six chapters on secret prāyaścittas, gifts, pitṛmedha and ācāra ( vide I. O. Cat., p. 381, No. 1308 ). There is another work styled Atrisamhitā printed in Jivananda's collection ( part I. pp. 13-46 ). It contains about 400 verses and deals with the following topics:— importance of honouring *guru*; duties of four castes; purifications of several *malas*; virtues of Brāhmaṇas such as *śauca*, *anasūyā*; definition of *iṣṭa* and *pūrta*, ten yamas and niyamas; importance of sons; adopted sons; prāyaścittas for taking forbidden food or drink and for other transgressions; impurity on birth and death; cāndrāyaṇa, Kṛchra, Sāntapana; gifts; purifications from avoidable contacts with rajasvalā &c.; Śrāddha and the brāhmaṇas to be invited for it.

In this work Atri is himself cited as an authority. Other authors and works quoted are: Āpastamba ( p. 30 ), Yama ( p. 41 ), Vyāsa ( p. 24 ), Śaṅkha ( pp. 22, 35 ), Śātātapa ( p. 35 ). The Vedānta, Sāṅkhya, Yoga, Purāṇas, Bhāgavatāḥ ( p. 45 ) are mentioned. It contains ( on p. 14 ) the verse 'sadyaḥ patati māṁsena' which is found in Vasistha Dh. S. ( 2. 27 ) with the words 'athāpyudāharanti'. There are other verses also which occur elsewhere e. g. 'atha cen-mantravid' occurs in Vasistha 11. 20, 'tryaḥam prātaḥ' ( p. 23 ) is also Manu XI. 211. On p. 26 occur the words 'atrāpyudāharanti' and so what follows is a quotation. On p. 32 there are three verses in another metre.

Atri's verse about adoption<sup>231</sup> is quoted as the first authority on adoption in the Dattakamīmāṁsā. He mentions the seven *antyajas* to be the washerman, the shoemaker, *naṭa*, *buruḍa*, *kaivarta* ( fisherman ), *meda* and *bhilla* ( p. 29 ). He further says<sup>232</sup> that there is no question of untouchability in fairs, marriage seasons, in Vedic sacrifices and in all festivals. He says that Brāhmaṇas from Magadha, Mathurā and three other places are not honoured ( at a śrāddha ) though as learned as Brhaspati.<sup>233</sup>

231 अपुत्रेणैव कर्तव्यः पुत्रप्रतिनिधिः सदा । पिण्डोदकक्रियाहेतोर्यस्मात्तस्मात्प्रयत्नतः ॥  
अत्रि p. 17.

232 देवयात्राविवाहेषु यज्ञप्रकरणेषु च । उत्सवेषु च सर्वेषु स्पृष्टास्पृष्टिर्न विद्यते ॥  
p. 33.

233 मागधो माधुरश्चैव कापटः कीटकानुजौ । पञ्च विप्रा न पूज्यन्ते बृहस्पतिरसौ यदि ॥ ( p. 45 ). What is कापट? Should we read कीटकाङ्गजौ ( *rosin ants* ) of the countries of कीट and अङ्ग ?





The work mentions the signs of the Zodiac, Kanyā and the Scorpion ( p. 43 ), and hence was not composed before the first centuries of the Christian era.

In Jivananda there is a Laghu-Atri ( part I, pp. 1-12 ) in 6 chapters and about 120 verses, dealing with the means of being freed from sins ( such as prāṇāyāma, sacred formula, gifts &c. ), with purifications from impurity on death and birth, with gifts. It mentions Manu. In the fourth chapter there are about ten lines in prose. There are numerous verses that occur also in the Vasīṣṭha-dharmasūtra, e. g. Vas. 26. 8-9 and 16-18 occur on p. 3 ; Vas. 28. 11-16 occur on pp. 4-5. It is difficult to say who the borrower is.

There is a Vṛddhātreyasmṛti in Jivananda ( part I. pp. 47-59 ) in five chapters and about 140 verses. This closely resembles the Laghu-Atri-smṛti described above. In the commencement both have the same six verses beginning with ' bhagavan kena dānena ' and the works have many verses in common. In the fourth chapter of both the same prose passages occur.

Viśvarūpa on Yāj. ( III. 257 ) quotes two verses from Atri on prāyaścitta which are found in none of the three works described above.<sup>234</sup>

In the Mahābhārata ( Anuśāsana 65. 1 ) Atri is credited with the view that those who make a gift of gold give ( practically ) all objects. This bears a close resemblance to two verses that occur in Laghvatri ( Jivananda part I. p. 5 ) and Vṛddhātri ( part I. p. 51 ).<sup>235</sup>

234 The verses are भुक्त्वा तु प्रतिलोमानां सूतादीनामकामतः । प्राजापत्यं चरेत्कृच्छ्रं त्रिरात्रं त्वाहताशनः ॥ चण्डालवर्जिते चात्रे स्पृष्टा चैनं विशेषतः । भुक्त्वा कृच्छ्रमविज्ञाते ज्ञात्वा चान्द्रायणं चरेत् ॥

235 सर्वान् कामान् प्रयच्छन्ति ये प्रयच्छति काञ्चनम् । इत्येवं भगवानत्रिः पिता-महसुतोब्रवीत् ॥ अनुशासन 65. 1. The verses in the two Atris are अग्नेरपत्यं प्रथमं सुवर्णं भूर्वेणवी सूर्यसुताश्च गावः । लोकास्त्रयस्तेन भवन्ति दत्ता यः काञ्चनं गां च महीं च दद्यात् ॥ सर्वेषामेव दानानामेकजन्मानुगं फलम् । हाटकक्षितिधेनूनां सप्तजन्मानुगं फलम् ॥ The first verse occurs in Vas. 28. 16, in Vanaparva 200. 28, in the Rajim plate of Tivaradeva ( Fleet's Gupta inscriptions No. 81 ).

Aparārka quotes about a hundred verses of Atri on various topics. Aparārka quotes (on Yāj. III. 61 pp. 966-7) twelve verses of Atri on the repetitions of om, prāṇāyāma, and the virtues to be practised by him who desires to go into samādhi, 7 verses on Yāj. III. 64 pp. 971-72 on 24 tattvas and puruṣa as 25th; on p. 1123 a prose passage on prāyaścitta for partaking of the food of or receiving gifts from actors, dancers and Āndhras, Dramiḍas, Śakas, Kāmbhojas, Tukkhāras, Vālhikas and Khaṣas. Śaṅkarācārya on V. S. III. 40-43, quotes two verses from Smṛtis, one of which 'Ārūḍho naiṣṭhikam karma &c.' occurs in Atrismṛti VIII. 16 (Ānan. edition).

Mr. A. N. Krishna, Aiyangar edits an Ātreya-smṛti in Adyar Library Bulletin, vol. VI, part 4.

## 17. Uśanas

Kāvya Uśanas is an ancient sage in the Ṛgveda; vide Ṛg. I. 83. 5, where Kāvya Uśanas is said to have been an helper of Indra and brought out the cows (carried away and concealed by the Panis). In Ṛg. VIII. 23. 17 that sage is said to have established Agni for Manu and in Ṛg. IX. 87. 3 Uśanas is called a ṛṣi and vipra and one who knew the hidden place where cows were concealed.

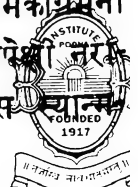
That Uśanas wrote a work on politics follows from several circumstances. The Kauṭīliya quotes the Auśanasāḥ seven times. It is almost certainly referring to a work. That work contained directions on the administration of justice also, as Kauṭīliya speaks of Auśanasas method of partition (in allowing a tenth additional share to the eldest son, III. 6), as Auśanasāḥ prescribed fines in cases where witnesses proved stupid &c. (III. 11, 44). The Mahābhārata, Śāntiparva<sup>236</sup> (chap. 56,

(Continued from the previous page)

The verse सर्वेषामेव दाना &c. occurs in Śaṁvarta-smṛti (verse 78), in E. I. vol. XI. at pp. 312-313 and is quoted as Śaṁvarta's in Kalpataru on Dāna p. 190.

236 श्लोकौ चोशनसा गीतौ पुरा तात महर्षिणा । तौ निबोध महाराज त्वमेकायमना  
नृप ॥ उद्यम्य शस्त्रमायान्तमपि वेदान्तगं रणे । निगृहीयात्स्वधर्मेण धर्मापेक्षो नरक-  
धिपः ॥ विनश्यमानं धर्मं हि योभिरक्षेत्स धर्मवित् । न तेन धर्महा सः ॥

(Continued on the next page)



29-30 and 57. 3 ) refers to a work on politics by Uśanas and quotes three verses, the last being found in Sabhā 55. 14. In other places also we have a Nītiśāstra ascribed to Bhārgava (Śānti. 210. 20 ) and certain verses are ascribed to him (Śānti. 57. 40-41 and 139. 70-71 ). The Anuśāsana-parva ( 139. 8-9 ) states ' The Śāstras known to Uśanas and Brhaspati cannot surpass the ( innate ) intelligence of women ; how can men guard them ( completely ) '. This verse occurs in Pañcatantra ( B. S. S. ed. of 1873 p. 41 and Hertel's ed. p. 30 ). Bhārgava is said to be the first expounder of Nītiśāstra in Śānti. 210. 20. Two verses from Śāntiparva, chap. 138. 113 and 139. 71 are interesting as having been declared by Uśanas to Prahlāda viz.<sup>237</sup> those that confide in persons who were once inimical are destroyed by the latter and that one should proceed cautiously even after making an alliance ( *sandhi* ). The Ādiparva ( 76. 6 ) says that Kāvya was the *purohita* of the asuras. The Śalyaparva ( 39. 6 ) says that Kāvya performed austerities at Kaḷālamocanātīrtha and the whole science of Nīti ( Rājanīti ) appeared to him. The Udyogaparva states that everyone except Bhārgava follows the wrong *nīti* ( 39. 30 ). The Śāntiparva ( 210. 20 ) states that Bhārgava expounded Nītiśāstra which is beneficial to the world and Śānti ( 289. Ch. ed. ) explains how Uśanas came to be called Śukra. Vide under ' Arthaśāstra of Kauṭilya ' for further information. The Nītiprakāśikā of Janamejaya refers to a succession of teachers of politics from Brahmā

( Continued from the previous page )

न्युस्तं मन्युमृच्छति ॥ शान्तिपर्व ५६. २८-३०; भगवानुशना चाह श्लोकमत्र  
विशांपते । तदिहैकमना राजन् गदतस्तं निबोध मे ॥ द्वाविमौ ग्रसते भूमिः सर्पो  
बिलशयानिव । राजानं चाविरोद्धारं ब्राह्मणं चाप्रवासिनम् ॥ शान्ति० ५७. २-३;  
श्लोकश्चायं पुरा गीतो भार्गवेण महात्मना । आख्याते रामचरिते नृपतिं प्रति  
भारत ॥ राजानं प्रथमं विन्देत् ततो भार्या ततो धनम् । राजन्यसति लोकस्य  
कुतो भार्या कुतो धनम् ॥ शान्ति० ५७. ४०-४१; निश्चयः स्वार्थशास्त्रेषु विश्वास-  
श्चासुखोदयः । उशना चैव गाथे द्वे प्रह्लादायाब्रवीत्पुरा ॥ शान्ति० १३९. ७०

237 The important gāthās of Uśanas are :

शत्रुसाधारणे कृत्ये कृत्वा सन्धिं बलीयसा । समाहितश्चैव युक्त्या न  
विश्वसेत् ॥ न विश्वसेदविश्वस्ते विश्वस्ते नातिविश्वसेत् । नित्यं विश्वासेदन्यान्

( Continued on the next page )



down to Janamejaya and says that Śukra was one of those who abridged the enormous extent of rājaśāstra.<sup>238</sup> The Mudrārākṣasa (I. p. 71 Telang's ed.) also speaks of Auśanasī Daṇḍanīti. Viśvarūpa (on Yāj. I. 307) asks the king to appoint ministers in accordance with the views propounded in the śāstras of Brhaspati and Uśanas and quotes a long passage in prose from Brhaspati in which the śāstras of Manu, Brhaspati and Uśanas are joined together. This work on politics probably contained verses also. Medhātithi on Manu (7. 15) quotes two verses speaking of eight activities of a king.<sup>239</sup> So also on Manu 8. 50 Medhātithi cites from Uśanas the words 'prakṛtīnām balaṁ rājā,' which are an Anuṣṭubh pāda. This sūtra work on politics by Uśanas has not yet been discovered. The Tāṇḍya-Mahābrāhmaṇa says that Kāvya Uśanas was the purohita of the Asuras (7. 5. 20).

In the Deccan College collection there are two mss. of an Auśanasa-dharmaśāstra in prose with a few verses, viz. No. 644 of Viśrāmbāg (i) and No. 191 of A 1881-82. The first contains only two folios (2 and 4) and the available portion begins in the midst of the 2nd chapter. In the second ms. also the first folio is wanting and there are gaps in the fourth chapter. It is noteworthy that the second folio of the second ms. begins just at the beginning of the 2nd folio of the first.

(Continued from the previous page)

परेषां तु न विश्वसेत् ॥ शान्ति 138. 193-94; ये वैरिणः श्रद्धते सत्ये सत्ये-  
तरेपि वा । वध्यन्ते श्रद्धानास्तु मधु शुष्कतृणैर्यथा ॥ शान्ति 139. 71 (Ch.ed.).  
These verses have application in these times also.

238 ब्रह्मा महेश्वरः स्कन्दश्चेन्द्रः प्राचेतसो मनुः । बृहस्पतिश्च शुकश्च भारद्वाजो महा-  
तपाः ॥ वेदव्यासश्च भगवान् तथा गौरशिरा मुनिः । एते हि राजशास्त्राणां  
प्रणेताः परंतपाः ॥ लक्षाव्यायाञ्जगौ ब्रह्मा राजशास्त्रे महामतिः । पञ्चाशच्च  
सहस्राणि रुद्रः संक्षिप्य चाब्रवीत् ॥ It is further said that Skanda, Indra,  
Prācetasa Manu, Brhaspati, Śukra, Brhāradvāja, Gaurasīras and  
Veda-Vyāsa abridged respectively to 25000, 10000, 6000, 3000, 1000,  
700, 500 and 300 adhyāyas and that Janamejaya abridged even the  
last.

239 आदाने च विसर्गे च तथा प्रैषनिषेधयोः । पञ्चमे चार्थवचने व्यवहारस्य मेक्षणम् ॥  
दण्डशुद्ध्योः सदा युक्तस्तेनाष्टगतिको नृपः । अष्टकर्मा दिवं याति राजा  
भिरर्चितः ॥ These are quoted also by कुल्लूक on Manu VII. 154,



The work is a brief one (8 folios) in seven *adhyāyas*. Their contents are:— II. impurity on birth and death; purification of certain things in certain ways such as with water, ashes &c. III. the four *varṇas* and the mixed castes such as Rathakāra, Ambastha, Sūta, Ugra, Māgadha &c., the *Vrātyas*; IV. no bodily injury to be done to *brāhmaṇa*; *prāyaścittas* for killing a *brāhmaṇa* or a man of the other *varṇas* and for other *Mahā-pātakas*, *prāyaścitta* for eating the flesh of certain animals and for eating plants like garlic, *prāyaścitta* for adultery; discussion whether a *Brāhmaṇa* could marry a *śūdra* woman; *prāyaścittas* for killing various beasts and birds; fourteen *vidyās*; V. *śrāddhakalpa*; what *Brāhmaṇas* are *punkti-pāvana*; details of *śrāddha*; food and flesh at *śrāddha*; who are unfit to be invited at *śrāddha*; VI. what things a *Brāhmaṇa* could not sell; VII. punishments for the *Mahā-pātakas*; what are pure things at all times. Some of the views of the *Auśanasa-dharmaśāstra* are worth special notice. The son of a *Brāhmaṇa*, *Kṣatriya* or *Vaiśya* from a wife of the *varṇa* immediately next to it belonged to the caste of the father.<sup>240</sup> No sin or punishment attached to one if one killed an *ātātāyi* (armed) *Brāhmaṇa*. The fourteen *vidyās* are said to be the six *aṅgas* and the four Vedas, *Mīmāṃsā*, *Nyāya*, *Dharmaśāstra* and *Purāṇa*.<sup>241</sup>

The work very often quotes the views of others with the words 'eke'; for example it says 'the impurity on birth is ten nights for the parents of the child, but according to some only for the mother.'<sup>242</sup> The son of a *Brāhmaṇa* from a *śūdra* woman is called *pārasava*, but according to some he is *niṣāda*. The whole of the portion in the ms. about the mixed castes bears a very close resemblance to *Baudhāyana* (Dh. S. I. 9)

240 ब्राह्मणेन क्षत्रियायां जातो ब्राह्मण एव सः । chap. III folio 3 a.

241 चतुर्दश विद्यास्थानानि पुनः षडङ्गाश्चत्वारो वेदा मीमांसा न्याय एव च धर्मशास्त्रं पुराणं च विद्या हेताश्चतुर्दश ॥ It will be noticed that there is a sloka from षडङ्गाः, which is almost the same as Yāj. 1. 3.

242 दशरात्रं मातृपितृभ्यः सूतकं मातुरित्येके । folio 2 a; compare गौ. 14. 14 मातापित्रोस्तन्मातुर्वी । ( and हरदत्त's 'comment thereon for various views ); बौ. ध. सू. 1. 5. 105-109, where *Baudhāyana*'s view is that both are impure for ten days, but according to some the mother and according to others the father has to observe impurity for ten days.



except in a few particulars.<sup>243</sup> At the end of all chapters from the second (except the third) there are verses and also in the midst. There are verses introduced with the words 'there is a śloka on this point' (bhavati cātra ślokaḥ) or with the words 'api codāharanti'.

There are about 45 verses in the work, the 7th and last chapter being almost entirely in verse. As the mss. are corrupt and full of gaps, it is often difficult to find out whether a particular passage is prose or verse. In several verses the words 'Manurabravīd' occur and in one place 'tan manor anuśāsanam'.<sup>244</sup> The latter closely agrees with Manu. Several verses are common to Manu and Uśanas. The verse 'gurutalpe bhagaḥ kāryaḥ' (Manu 9. 237) occurs in the ms. So also the verse 'yena yena cidāṅgena' occurs in both.<sup>245</sup> The words of Manu (V. 78) 'bāle deśāntarasthe' are expressly quoted with the words 'Manur-āha'. There are many other verses which, though not cited expressly as from a particular author, are found in other ancient works. For example, the verse 'āpaḥ śuddhā bhūmigatāḥ' is Manu 5. 128 and Baud. Dh. S. I. 5, 57. The half verse 'kāruhastāḥ śucir nityam' is Manu 5. 126 and Baud. Dh. S. I. 5. 48. The verse 'yadekarātrena karoti pāpam' occurs in Āp. Dh. S. (I. 9. 27. 11) and Baud. Dh. S. II. 1. 42. The verse 'tryaḥam prātas tryaḥam naktam' is Manu XI. 211. It is a remarkable fact that some of the verses in this dharmasūtra agree closely with the verses in the Uśanas-smṛti in verse, published by Jivananda; e. g. the verse 'dattvā tu Vedānatyartham' occurs on p. 525 and the verse 'nimantritastu yo vipro adhvānam samprapadyate' on p. 527. Even the prose passages bear a

243 The ms. (3rd chap.) has तत्र सवर्णामु सवर्णाः । ब्राह्मणेन क्षत्रिया....सः । वैश्यायामम्बष्ठः । शूद्रायां पारशवो निषाद इत्येके । क्षत्रियेण वैश्यायां क्षत्रियः शूद्रायामुग्रः । वैश्येन शूद्रायां वैश्यः । शूद्रेण वैश्यायामायोगवः क्षत्रियायां क्षत्ता ब्राह्मण्यां चण्डालः etc.

244 The ms. reads 'दश स्थानानि दण्डस्य चात्मनो(तन्मनो?)रनुशासनम् । त्रिषु वर्णेषु सामान्यं ब्राह्मणस्त्वक्षतो भवेत् ॥'; while मनु (8. 124) दश....दण्डस्य मनुः स्वायंभुवोब्रवीत् । त्रिषु वर्णेषु यानि स्युरक्षतो ब्राह्मणो व्रजेत् ॥

245 The ms. reads, येन येन हि चण्डेन (चिदङ्गेन?) हिंस्याच्छ्रेयांसमन्त्यजः । तदेव तस्य छेत्तव्यं छिन्ने निर्विषहो भवेत् ॥; in मनु (8. 279) the last part is तन्मनोरनुशासनम्.



close resemblance to the versified *smṛti* on many points, e. g. the prose passages about the duration of the satisfaction of the Manes by the offerings of the flesh of various animals occur almost in the same words in the versified *smṛti* of *Uśanas* ( *Jivananda*, part I, p. 522 ).

The *Auśanasa-dharmasūtra* contains several passages in prose which are the same as some verses in *Manu*.<sup>246</sup> The *sūtra* quotes in one place the divergent views of *Vasiṣṭha*,<sup>247</sup> *Hārīta*, *Śaunaka*, and *Gautama* on the question whether a *brāhmaṇa* could marry a *śūdra* woman. The view of *Vasiṣṭha* (as quoted in the ms.) is that a *Brāhmaṇa* could take to wife girls of all the four castes, but in the printed text of *Vasiṣṭha* ( I. 24 ) a *Brāhmaṇa* is allowed to marry girls of three higher castes only. It is possible that the ancient reading of *Vasiṣṭha*'s text was 'catasrah' (as quoted in the *Auśanasa*) which was changed into 'tisrah'. The passage reminds us of *Manu* III. 16 ( *Śūdrāvedī patatyatreḥ* ), but the views ascribed to *Śaunaka* and *Gautama* in the ms. differ from those ascribed to them in *Manu*. In another passage *Vasiṣṭha*'s views seem to be quoted.<sup>248</sup>

From quotations in *Haradatta*'s commentary on *Gautama* and from the *Smṛticandrikā* it appears that they had access to a *sūtra* work of *Uśanas* dealing with all branches of

246 The ms. has ( in chap. II ) रहःसु स्त्रीमुखं शुचिः । शुचयः फलपातने पक्षिणः । प्रसवे वत्सः । शृङ्गः ( मृग ? ) ग्रहणे श्वा । ऊर्ध्वं नाभेः पुरुषः । गौर्मध्या पृष्ठतः । पुरस्तादजः । स्त्रियः सर्वतः । हृदयमासामशुचि । Compare मनु I. 92, बो. ध. सू. 1. 5. 49 and वसिष्ठ 3. 45.

247 The ms. ( chap. IV ) has पतितो वृषलीपतिरित्याचक्षते । न पततीत्येके । ब्राह्मणस्य कल्पविहिताश्चतस्रो- ( स्रो ) नुपूर्वेण भार्या भवन्तीति वसिष्ठ आह । पतति न पततीति संशयः । वृषलीं पतीति ( वृषलीं गत्वा पततीति ? ) हारीतः, जननात्पततीति शौनकः । तदपत्यः पततीति गौतमः । The words of वसिष्ठ are तिस्रो ब्राह्मणस्य भार्या वर्णानुपूर्वेण द्वे राजन्यस्य एकैका वैश्यशूद्रयोः । शूद्रामप्येके मन्त्रवर्जं तद्वत् । तथा न कुर्यात् । I. 24-26. It should be noted that one ms. of वसिष्ठ omits the words ' वर्णानु...कुर्यात् '.

248 यस्तु पुनर्ब्राह्मणो धर्मरत्नीमुखेन मैथुनं सेवेत स दुष्यतीति वैवस्वतः ( वसिष्ठः ? ) प्राजापत्येन शुध्यतीति हारीतः ( chap. 4 ); compare वसिष्ठ 12. 23, and *Manu* XI. 67 and 173. The reading वैवस्वतः also is explainable. वैवस्वत may stand for मनु.

*dharma* viz. *ācāra*, *vyavahāra* and *prāyaścitta*. For example, the *Smṛticandrikā* quotes prose passages of Uśanas on *anadhyāya* (1, p. 59), on *dantadhāvana* (1, p. 106) and Haradatta quotes a prose passage on *anadhyāya* (on Ap. Dh. S. I. 3. 10. I) and a prose passage on the fine for a Kṣatriya abusing a śūdra (on Gau. Dh. S. 12. 10) and on *Niyoga* (on Gau. Dh. S. 18. 5). These passages are not found in the ms. But there are others that are found. For example, the *Smṛticandrikā* quotes two passages, which occur in the mss.<sup>249</sup> It appears therefore that the mss. either contain a portion only of the complete Auśanasa-dharma-sūtra or an independent sūtra work. The former alternative looks more probable. The foregoing discussion has shown that the sūtra work is later than the dharmaśāstras of Gautama and Vasistha and also than the Manusmṛti, which it probably knew in a very ancient version slightly differing from the extant one.

In Jivananda's collection of smṛtis there is an Auśanasa-dharmaśāstra in 51 verses (part I. pp. 497-501). It deals with mixed castes and their avocations, such as *sūta*, *māgadha*, *cāṇḍāla*, *śvapaca*, *pulinda*-&c. The same work occurs in the Ānandāśrama collection, pp. 46-48. The Mit. (on Yāj. 1. 94) remarks that the means of livelihood for the mixed castes should be sought for in the works of Uśanas and Manu.<sup>250</sup> It is probably this smṛti that is meant. Kullūka on Manu. X. 49 says that the sale of hides and working on hides were means of livelihood for Dhigvaṇas according to the Auśanasa.

In the same collection (part I. pp. 501-544) there is another smṛti ascribed to Uśanas in 9 chapters and about 600 verses. It treats of Upanayana, daily observances like *ācamana*, Vedic study, occasions of *anadhyāya*, the dharmas of *snātaka*; *śrāddha*, proper Brāhmaṇas for *śrāddha*, impurity on birth and death, rites after death, *prāyaścittas* for the mortal sins and lesser sins.

249 The passages are 'तत्र गोमयोदकैर्भूमिभाजनभाण्डशौचं कुर्यात्' (chap. V. about *śrāddha*) and श्वविड्वराहमार्जारकुक्कुटनकुलशूद्रजस्वलाशूद्राभर्तारश्च दूरमनंपायितव्याः (० मपनेतव्याः). They occur in स्मृतिचन्द्रिका (IX p. 409 and p. 411.)

250 एतेषां च वृत्तय औशनसे मानवे च द्रष्टव्याः । मिता.



This *smṛti* quotes Uśanas himself, also Manu, Bhṛgu ( Bhṛguputra III ), Prajāpati and speaks of *dharmaśāstras*, *Purāṇas*, *Mīmāṃsā*, *Vedānta*, *Pāñcarātras*, *Kāpālikas* and *Pāśupatas*. Numerous verses from the *Manusmṛti* are found in it ( e. g. Manu II. 42, 49, 50, 125 ) and occur in the first chapter alone. There is a brief prose passage towards the end of the 9th chapter. It speaks of *Kāpālikas*, *Pāśupatas* and *atheists* together ( p. 525 ).

None of these *smṛtis* in verse contains the passages in verse on *vyavahāra* ascribed to Uśanas that occur in the *Mitākṣarā*, *Smṛticandrikā* and other works.

The *Mit.* ( on Yāj. III. 260 ) and *Aparārka* ( e. g. p. 158, 192, 255 ) contain prose passages ascribed to Uśanas and the same works contain numerous verses ascribed to Uśanas, most of which are not found in the two *smṛtis* in *Jivananda*. Some of the verses in *Aparārka* ascribed to Uśanas are found in the *Auśanasasmṛti* ( e. g. *Aparārka* p. 418 ' *kuryād-aharaḥ śrāddham* ' is *Jivananda* I. p. 521 ).

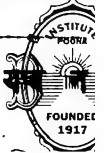
In other cases the verses quoted from Uśanas in *Aparārka*, though not quite identical, bear a very close resemblance ( e. g. the four verses in *Aparārka* on p. 450 closely resemble *Jivananda* I, p. 525 and have some verses in common ).

Among the views on *Vyavahāra* quoted from Uśanas are some interesting ones. It was he who said that a son was not bound to pay his father's debt, if it was a fine or unpaid toll or what is not *vyāvahārika*.<sup>251</sup> He holds that even blind, deaf or old men, women, minors could be witnesses in charges of *sāhasa* ( *Aparārka* p. 671 ). He is quoted also on ordeals, on *svāmipālavivāda* and on *steya*.

Uśanas is quoted in *Kalpataru* ( *Gr̥hasthakāṇḍa* ) 8 times, in *Śrāddha* 13 times ( 8 times in prose ), in *Vyavahāra* eleven times ( all verses, except one prose passage on p. 814 on *anuloma* unions ), 6 times in *Niyatakāla*.

It is interesting to note that he states that the son of a *brāhmaṇa* from a *ksatriya* wife is a *brāhmaṇa* and the son of

251 दण्डो वा दण्डशेषो वा शुल्कं तच्छेषमेव वा । न दातव्यं तु पुत्रेण  
व्यावहारिकम् ॥ मिता. and अपराकं on याज्ञ. II. 42.



a kṣatriya from a vaiśya wife is a kṣatriya ( p. 814 on Vyavahāra ). Aparārka quotes Uśanas dozens of times, about nine quotations being in prose ( most of them on prāyaścitta ).

The Maskaribhāṣya on Gautama Dh. S. quotes prose passages from Uśanas in many cases e. g. on I. 64, 66, II. 17 (long), 18, 48; V. 9, X. 27 ( about principles of taxation ), 31, 36, 52; XII. 6, 10, 36, 42; XIX. 14 ( long prose followed by six verses ) and also some verses as on XII. 19 'Māso vimśati-bhāgastu jñeyah Kārsāpanasya tu | Kākaṇi tu caturbhāgo māṣasyaiva prakīrtitaḥ |'. Smṛticandrikā quotes Uśanas 45 times on āhnikā, vyavahāra and śrāddha; vide Mit. on Yāj. II. 159 quoting Nārada.

A work styled Śukranītisāra was edited by Oppert ( Madras 1882 ) and by Jivananda ( Cal. 1892 ) and translated by Benoy Kumar Sarkar in S. B. H. Series. That work is a very interesting one, but is comparatively of a late date.

It is probable that at least some parts of Śukranītisāra edited by Oppert in 1882 are not older than about 1800 A. D. ( viz. such as IV. 5. II prescribing fees for lawyers ). Vide Mr. Lallanji Gopal's paper in the Bulletin of the London School of Oriental and African Studies, Vol. 25 for 1962 pp. 524-556, in which it is strenuously urged that it is a fabrication of the 19th century ). I do not agree that the whole work is later than 1800 A. D. The Śukranītisāra provides on p. 157 ( of Oppert's ed. ). 'नियोगितस्यापि भृतिं विवादात् षोडशांशिकीम् । विंशत्यंशां तदर्धं वा तदर्धं तदर्धिकाम् । यथा द्रव्याधिकं कार्यं हीना हीना भृतिस्तथा ॥'

Such passages may be interpolations made in the first quarter of the 19th century. In the year 1793 the Governor-General-in-Council enacted Regulation VII of 1793 in order to induce men of education and character to take up the practice of law as a distinct profession. That Regulation applied only to the provinces of Bengal, Bihar and Orissa. In 1802 Regulation XIV of 1802 was enacted in Bombay which consisted of 33 sections providing among other matters for the appointment of pleaders, for the issue of *sanads* to them, for remuneration payable to them and for penalties in cases of misconduct or negligence.

Vide Śāntiparva 57. 40-41 for a famous verse of Bhārgava ( i. e. Uśanas ); राजानं प्रथमं विन्देऽतो भार्या ततो धनम् । राजन्यसिद्धिं लोकस्य कुतो भार्या कुतो धनम् ॥



## 18. Kaṇva and Kāṇva

From the Āp. Dh. S. it appears that Kaṇva and Kāṇva were two distinct writers on dharma. In I. 6. 19. 2 Āpastamba starts the question as to the persons, food at whose house was permitted. He states various views on that point and says that Kaṇva was of opinion that food may be taken at anybody's house provided the latter offered it with a request (I. 6. 19. 3) and that the opinion of Eka, Kuṇika, Kāṇva, Kutsa and Puṣkarasādi (I. 6. 19. 7) was that only that food that was offered by a pure and religious man should be partaken. In another place (I. 10. 28. 1) Āpastamba gives it as the opinion of Kautsa, Hārīta, Kaṇva and Puṣkarasādi that a man became a thief if in any case whatever he appropriates another's belongings. The Kumbhakonam edition of Pandit Halasyanatha reads Kāṇva for Kaṇva.

Kaṇva is quoted a few times in the Smṛticandrikā on Āhnikā (daily duties) and śrāddha. One of these quotations is in prose (I. p. 97).<sup>252</sup> Haradatta in his commentary on Gautama cites verses of Kaṇva in several places (e. g. Gautama Dh. S. 21. 3, 23. 3 and 11).<sup>253</sup> The first verse bears a close resemblance to Manu XI. 180 and Baud. Dh. S. II. 1. 62. Kaṇva is quoted in the Ācāramayūkha and the Śrāddhamayūkha.

The Mit. (on Yāj. III. 58) quotes a verse of Kāṇva on the length of the stay of a *śaṇṇyāsīn* in a village or town. On Yāj. III. 260 the Mit. quotes a verse of Kaṇva stating the *prāyaścitta* for a brāhmaṇa having intercourse with the kṣatriya wife of his teacher.

In the Madras Govt. Oriental Library there is a ms. of Kaṇva (vol. V, p. 1929 No. 2624).

Maskarin on Gaut. Dh. S. frequently quotes passages from Kaṇva (in prose and verse); vide on I. 33 and 39 (both prose), V. 21 (prose definition of Vedapārāga), IX. 1 (prose), X. 53 (verse on five kinds of śrāddhas, nitya, naimittika,

252 अच्वरे वेदेतिहासपुराणानीति ध्यायन् ब्राह्मेण तीर्थेनौष्ठयोः सलोमदेशमुन्मृजेत् ।

253 The verse is : संवत्सरेण पतति पतितेन समाचरन् ।

मानाशनासनैर्नित्यमित्याहुर्ब्रह्मवादिनः ॥ on गौ. 21. 3



kāmya, vṛddhiśrāddha and pārvana), XI. 18 (verse viz. pūrvajanmakṛtam karma daivamityabhidhīyate), XV. 17 (verse), XVII. I (verse on Stridhana), XV. 3 (three verses on prāyaścitta).

## 19. Kāśyapa and Kāśyapa

Baudhāyana (Dh. S. I. 11. 20) cites a verse which contains the view of Kāśyapa that a woman who is bought cannot be a *patnī* and that she is not authorised to take part in religious (*daiva*) rites or rites for the Manes.<sup>254</sup> This verse is ascribed to Kātyāyana in the Smṛticandrikā (I. p. 87). The Vanaparva quotes *gāthās* of Kāśyapa on forbearance (29. 35-40). Whether Kāśyapa and Kāśyapa are two different writers of dharmasūtras it is rather difficult to say. Probably they are identical. It appears that the dharmasūtra of Kāśyapa comprised all the usual topics of dharmasūtras, such as daily duties, śrāddha, āśauca, prāyaścitta. This sūtra has been quoted by all eminent writers from Viśvarūpa downwards. Viśvarūpa quotes Kāśyapa (in prose) on the prāyaścitta for contact with caṇḍālas<sup>255</sup> and for killing a cow when the sinner is a brāhmaṇa or a member of another caste.<sup>256</sup> The Mit. (on Yāj. III. 23) quotes a prose passage from Kāśyapa on freedom from impurity on death of infants.<sup>257</sup> The quotations in the Smṛticandrikā on āhnikā and śrāddha are all in verse. Haradatta on Gautama (22. 18) quotes a sūtra on the prāyaścitta for *govadha*,<sup>258</sup> which is also quoted by Viśvarūpa. Haradatta (on Gaut. 23. 26) quotes a very long sūtra on the prāyaścitta for eating several things and doing

254 क्रीता द्रव्येण या नारी सा न पत्नी विधीयते ।

सा न दैवे न सा पित्र्ये दासी तां कश्यपोब्रवीत् ॥

255 चण्डालश्चपाकपुल्कसादिसंकरे सव्यवधाने षण्मासान् गोमूत्रयावकाः पञ्चाहकालं पातव्याः । एवं प्रतिमासवृद्ध्या वृद्धिरा परिवृत्तेः सूर्यरय । विश्वरूप on याज्ञ. III. 257.

256 प्रायश्चित्तमकामावाप्तौ कामकृतेष्वेके । ... ब्राह्मणेभ्यो निवेदयित्वा सशिखं वपनं कृत्वा प्राजापत्यं कृच्छ्रमाचरेत् । चीर्णान्ते धेनुं तिलधेनुं दद्यात् । इति काश्यपः । अथान्यो वर्णः तेन चर्मणा प्रावृत्तो मासं गोष्ठे वसेत् (long prose) । विश्वरूप on याज्ञ. III. 262.

257 बालानामदन्तजातानां त्रिरात्रेण शुद्धिः ।

258 गां हत्वा तच्चर्मणा मासं गोष्ठेशयस्त्रिषवणस्नायी नित्यं पञ्चगव्याहारः ।





several forbidden acts.<sup>259</sup> Haradatta (on Āp. Dh. S. II. 6. 13. 2) quotes several verses mentioning the seven kinds of punarbhūs. The Hāratalā quotes a sūtra from Kaśyapa on āsauca. Aparārka quotes several sūtras and a few verses under both names Kaśyapa and Kāśyapa (vide Yāj. I. 64, III. 265, III. 21, 25, 251, 288, 290, 292).

In the Deccan College collection there are two mss. (No. 200 of 1884-87 and No. 122 of A. 1881-82) which contain a Kāśyapasmṛti in prose (4 folios having 8 lines on each side). It begins 'athātāḥ Kāśyapiyān grhasthadharmān vyākhyāsyāmaḥ'. It deals with the duties of householders, with prāyaścittas for doing mischief to wells, dikes, ponds, temples and houses of Brāhmanas, for killing a cow and other beasts and birds, with rules on mourning after death and impurity on birth, with prāyaścittas for eating garlic and other similar things, with the five mortal sins, with prāyaścittas when such portents as earthquakes, lightning flashes occur, or for such accidental occurrences as the breaking of the milk pot, with purification of vessels of wood and metals, with the visible physical sins and sins committed in previous lives, with the seven *punarbhūs*.

In this work some of the sūtras quoted as Kāśyapa's in the commentaries are found (e. g. the quotation No. 259 'laśuna' &c. above). So also the verses about punarbhūs of seven kinds quoted by Haradatta are found in the mss. In this smṛti, Kāśyapa is frequently cited as an authority.

Maskarin on Gaut. 23. 19 quotes a verse of Kāśyapa providing prāyaścitta for homo-sexuality and masturbation.

"Puṁsi maithunamāsevya yatnotsarge kṛte tathā ।  
brahmacārī tathābhyāsāt snātvātha haviṣā yajet ॥"

The Vanaparva (29. 35-40) sets out five gāthās which Kāśyapa declared about *kṣamā* (forbearance or mildness). Two of the five verses on *kṣamā* are quoted below : \*

259 लशुनपलाण्डुगृजनकुक्कुटमक्षणे भेदःशुक्रपानेऽयाज्ययाजनेऽभोज्यभोजनेऽभक्ष्यभक्ष-  
णेऽगम्यागमने चैवं प्रायश्चित्तं ब्राह्मणेभ्यो निवेद्य पङ्कजोपोषितश्चीर्णान्ते प्राच्या-  
मुदीच्यां दिशि गत्वा यत्र ग्राम्यपशूनां शब्दो न श्रूयते तस्मिन्देशेभिः प्रज्वाल्य  
ब्रह्मासनमास्तीर्य तत्प्रणीतेन विधिना पुनःसंस्कारमर्हति ।

\* क्षमा धर्मः क्षमा यज्ञः क्षमा वेदाः क्षमा श्रुतम् । ... क्षमा तेजस्विनां तेजः क्षमा  
ब्रह्म तपस्विनाम् ॥ वनपर्व 29. 36 and 40. The Udyogaparva ( 38.48 ) points  
out one defect about forbearance or mildness : एकः क्षमावतां दोषः  
द्वितीयो नोपपद्यते । यदेनं क्षमया युक्तमशक्तं मन्यते जनः ॥

Prof. T. R. Chintamani contributed a paper ( in which he edited a Dharma-śāstra based on four mss. ) to the J. O. R. (Madras) vol. XIII. pp. 267-282 with an appendix containing passages and verses attributed to Kāśyapa ( pp. 283-292 ) by Viśvarūpa, Vijñāneśvara, Aparārka and others not found in those mss. Aparārka mentions Kāśyapa 13 times ( almost all verses except on p. 922 which is in prose ) and Kāśyapa six times.

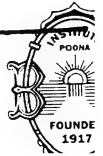
It is to be noted that Kāśyapa is not mentioned by Yāj. as one of the dharmaśāstraprayojakas, though Parāśara (chap. I. 13) mentions Kāśyapā dharmāḥ. The Smṛticandrikā ( I. p. 1 ) and the Sarasvatīvilāsa ( p. 13 ) speak of 18 Upasmṛtis in which Kāśyapa's is included.

## 20. Gārgya

Viśvarūpa ( on Yāj. I. 4-5 ) quotes a verse of Vṛddha-Yājñavalkya in which Gārgya is enumerated among the exponents of Dharma ( dharmavaktārah ). He quotes two sūtras, one from Gārgya ( on Yāj. I. 72<sup>260</sup> ) and the other from Vṛddha-Gārgya<sup>261</sup> ( on Yāj. I. 195 ). Therefore it seems that a sūtra work of Gārgya on dharma did exist. The Mit. ( e. g. on Yāj. III. 326 ), Aparārka and the Smṛticandrikā quote several verses of Gārgya on āhnikā, śrāddha and prāyaścitta. Parāśara ( I. 13 ) mentions Gārgya among writers on dharma. Aparārka contains ( pp. 124, 190, 368, 544 ) verses from Gārgya on topics of dharma. It seems that the two writers are identical. Aparārka also quotes several verses from Gārgya of astronomical import ( e. g. p. 547 on the nomenclature of the months as *Caritra* in connection with the signs of the zodiac ). This was probably an independent work. Fragments of a Gārgī saṃhitā on astronomy and astrology have been recovered and it contains valuable historical information ( vide Kern's preface to Br̥hat-saṃhitā pp. 33-40 and Mr. Jayasval in JBORS. vol. 14, p. 397 ff ). A Jyotir-Gārgya and a Br̥had-Gārgya are quoted in the Smṛticandrikā. The Nityācārapradīpa ( p. 20, B.I.S. ) mentions Garga and Gārgya separately as smṛtikāras.

260 पतिताः स्त्रियस्त्याज्या भर्तृवधप्रतिज्ञायां च ।

261 अनेकोद्धार्ये काष्ठशिले भूमिसमे ।



The Anuśāsanaparva ( 18.38 ) states that Garga acquired on the banks of the Sarasvatī astronomy with its 64 *aṅgas*. In the same *parva* it is said that vṛddha-Gārgya inquired about vṛṣotsarga ( 125. 77 ff ). Śalyaparva ( 37. 14-15 ) narrates that old Garga by his *tapas* acquired on the sacred Sarasvatī knowledge of Kāla, movements of the planets, of evil and good *utpātas* and that the place is therefore called Gargasrotas. This astronomer Garga is probably different from the Dharmaśāstra writer Garga. Vide H. of Dh. Vol. V. pp. 591-92, 741-42, 765 for Garga, the astronomer. Viśvarūpa on Yāj. I. 25 quotes a verse of Gārgya on the proper times for morning *Sandhyā* and evening *Sandhyā* and a prose passage of Vṛddha-Gārgya on Yāj. I. 195 ( p. 136 ).

## 21. Cyavana

Cyavana is a famous name in the Ṛgveda. The Aśvins are often praised as having endowed the old and aging Cyavana with youth ( vide Ṛg. I. 117. 13, I. 118. 6, VII. 71. 5, X. 39. 4 ). The Mahābhārata spins certain stories on Cyavana in Ādiparva, chap. 6 and 8, Vanaparva chap. 122-124, Āśvamedhika 10. 32. He married Sukanyā, daughter of king Saryāti, and the Aśvins made him young and handsome. He then helped the Aśvins to get a share in Soma offerings after paralysing the arm of Indra who at first opposed this.

The Mit., Aparārka and other works cite several sūtras and some verses from Cyavana. Aparārka quotes a very long prose passage from Cyavana ( on Yāj. I. 207 ) about the procedure of making the gift of a cow ( when on the point of giving birth to a calf ) and about the *mantras* to be recited in that ceremony. The Mit. ( on Yāj. III. 30 ) and Aparārka and Kalpataru ( Śuddhikāṇḍa p. 129 ) cite a sūtra of Cyavana on the *prāyaścitta* for coming in contact with a dog, a *śvapāka*, smoke from a funeral pyre, wine, wine-vessel &c. Aparārka cites prose passages of Cyavana on the *prāyaścitta* for killing a cow ( on Yāj. III. 264-265 ), for touching, carrying or burning the corpse of one who commits suicide ( on Yāj. III. 292 ), on the method of the purification of houses, vessels, articles of food when touched by Cāṇḍālas ( on the same verse ).

Aparārka on Yāj. I. 207, with reference to the great rewards of the gift of a cow when she is about to deliver, sets out on pp. 299-301 from Cyavana a long prose passage with ten



R̥g. Mantras and on pp. 1103, 1190, 1199 provides expiation (in prose) for causing the death of a cow, for one who touches or carries to the cemetery or cremates a suicide, and for close contact of Cāṇḍālas with houses, earthen pots and states that for children, the aged and women the expiation is only half of what is prescribed for grown-up men. Aparārka quotes only one verse on Yāj. III. 264-265 as mild expiation in certain cases of causing the death of a cow. The Mit. on Yāj. III. 30 cites a long prose passage as regards the times when a bath with clothes on is necessary.

## 22. Jātukarṇya

Viśvarūpa (on Yāj. I. 4-5) quotes a verse of Vṛddha-Yājñavalkya in which Jātukarṇya is mentioned as an expounder of dharma.<sup>262</sup> The name is variously written as Jātukarṇi or Jātukarṇya or as Jātukarṇa. The Smṛticandrikā quotes a passage from Āṅgiras in which Jātukarṇya is enumerated among writers of Upasṛtis. Viśvarūpa quotes prose passages from Jātukarṇya a number of times.<sup>263</sup> On Yāj. I. 1, he gives a sūtra about "pratilomas"; on Yāj. I. 2 there is a sūtra saying that a pupil should not all of a sudden put a question to his teacher in an assembly of people, on Yāj. I. 29 about a Kṣatriya and Vaiśya wearing an Upavīta of hemp and wool when initiated for sacrifice, on Yāj. I. 37 as to the age when a Brāhmaṇa became a vrātya, about the prohibition of marrying another wife of a different caste when one has already married a savarna wife (on Yāj. I. 79), about the time for śrāddhas (on Yāj. I. 215). These quotations show that Jātukarṇya composed a sūtra work on ācāra and śrāddha, which was comparatively ancient. The quotations of Jātukarṇya in Mitākṣarā, Haradatta, Aparārka,

262 भूयांसो धर्मवक्ता उत्पन्ना भाविनस्तथा । निधानं सर्वधर्माणां वेद एव हि शाश्वतः ॥ नारदः पुलहो गार्ग्यः पुलस्त्यः शौनकः क्रतुः । बौधायनो जातुकर्णो विश्वामित्रः पितामहः ॥

263 'प्रतिलोमास्त्वन्तावसायिनः' (p. 7), 'नाकस्मात्समवाये गुहं पृच्छेत्' (p. 7), 'दीक्षितौ चेद्राजन्यवैश्यौ शाणाविके कुर्याताम्' (p. 46), 'द्विगुणां गायत्रीमतिक्रम्य ब्राह्मणो ब्राह्मणः स्यात्' (p. 52), 'सर्वर्णया कृतदारो नान्यामिच्छेत्सन्तुष्टः स्यान्न्यगामित्वात्' (p. 83); 'अथ श्राद्धमपरपक्षे सर्वत्राविशेषात् । नभसोऽथ वा सामर्थ्योपपत्तिभ्याम्' (p. 144).



and later writers are in verse and so it appears that by that time the work had been lost or forgotten. Aparārka ( p. 423 ) quotes a verse of Jātūkarnya which refers to the zodiacal sign Virgo. This would place the verse Jātūkarnya not very much earlier than the 3rd or 4th century A. D.

Maskarin on Gaut. Dh. S. quotes, on different sūtras, a number of verses e. g. on 10. 61 ( three verses ), 14. 31, 15. 1, 21. 3, 22. 20-21 ( two verses ), 22. 36 &c. The Smṛti-candrikā quotes verses of Jātūkarnya five times on Āhnikā and twelve times on Śrāddha and a prose passage ( Āhnikā p. 114, Gharpure's ed. ) on what is meant by Uttariya ( in Śrauta or Smārta rites ). Aparārka ( p. 1069 on Yāj. III. 253 ) quotes a verse of J. that if a boy whose *upanayana* had not been performed drinks by mistake liquor the *prāyaścitta* is three *kṛcchas* to be undergone by the boy's mother, brother or father. Viśvarūpa quotes several prose passages of Jātūkarnya ( vol. I. pp. 7, 46, 48, 144 on Śrāddha ), while Mit. quotes several verses on Yāj. I. 256, III. 17, 30, 253, 259-60. The name Jātūkarnya is an ancient one. The Kātyāyana Śrautasūtra ( IV. 1. 23 ff )<sup>264</sup> mentions the view of Jātūkarnya on *piṇḍa-pitryajña* when all the three paternal ancestors of the performer are not dead and the Kalpataru on Śrāddha ( p. 240 ) remarks 'Jivatpitṛkasya trayah pakṣāḥ'.

### 23. Devala

The name Devala as that of a sage frequently occurs in the Mahābhārata and is closely connected with Asita. Vide Sabhāparva 59. 9-11, Śalya 50 and Śāntiparva 230. In Subhā ( 72. 5 ) it is stated that Devala declared that a man has three lights viz. son, actions and correct knowledge. In the Gītā also ( in X. 13 ) Arjuna says 'all the sages, the Devarṣi Nārada, Asita, Devala and Vyāsa speak of you as done in X. 12'. Śāṅkarācārya in his *bhāṣya* on Vedānta-sūtra I. 4. 28 states that the Sāṅkhya system is nearer to Vedānta than other systems like the atomic theory, since it espouses the doctrine of the non-difference between cause

264 प्रेतैभ्यो ददाति जीवान्तरितेपि जीवान्तर्हितेपि । जीवपितृकस्य होमान्तम् ।  
अनारम्भो वा । न व्यवेते जातूकर्ण्यः । न जीवन्तमातिददातीति श्रुतेः । कात्यायन-  
श्रौ. सू. IV. 1. 23-27. Compare two verses of Hārīta quoted by  
Kalpataru on Śrāddha on p. 237 on the same point.



and effect and adds that some writers of Dharmaśāstras such as Devala do rely on it in their works. So Devala-dharmaśāstra was not only earlier than Śaṅkarācārya, but was also regarded as early as (if not earlier than) the sūtras based purely on logic or the atomic theory. In vol. V (of His. of Dh.) pp. 380-81, 1439 n. 2363, 1445, 1453 note 2390, 1458 note 2398 some passages have already been cited from Devala (as quoted in works on Dharmaśāstra). They will not be repeated here. But a few more passages quoted from Devala by the Mit., Aparārka, Kalpataru and others will be set out or referred to. In the first edition also some references were given where passages of Devala are referred to but hardly any quotations in Sanskrit from Devala-dharmaśāstra were set out. It may be stated here that early extant commentators like Viśvarūpa and Medhātithi do not quote prose passages from the Devala Dharmaśāstra relating to Sāṅkhya and Yoga. But Aparārka quotes profusely from Devala (about 130 verses and prose passages 15 times). Some of the prose passages may be pointed out. On p. 72 a long prose passage is cited about the rules to be observed by one who has decided to be a perpetual student.

In the Mit. there are several prose passages quoted from Devala, e. g. on Yāj. I. 120 there is a sūtra on the dharmas of the śūdra and the avocations open to him; <sup>265</sup> on Yāj. I. 128 there is a sūtra dividing householders into Yāyāvara and Śālina and describing each of them. <sup>266</sup> In Aparārka and the Smṛticandrikā there are several prose quotations from Devala. On Yāj. III. 58 Aparārka quotes a long prose passage on the rules of conduct for a yati; on Yāj. <sup>267</sup> III. 109 Aparārka cites

265 तानि च देवलोक्तानि । शूद्रधर्मो द्विजातिगुरूपा पापवर्जनं कलत्रादिपोषणं कर्षणपशुपालनभारोद्वहनपण्यव्यवहारचित्रकर्मनृत्यगीतवेणुवीणामुरजमृदङ्गवादनदीनि ।

266 यथा हि देवलः । द्विविधो गृहस्थो यायावरः शालीनश्च । तयोर्यायावरः प्रवरः याजनाध्यापनप्रतिप्रहरिकथसंचयवर्जनात् । षट्कर्मधिष्ठितः प्रेष्यचतुष्पदगृहग्रामधनधान्ययुक्तो लोकानुवर्ती शालीन इति ।

267 देवलः । देवमानुषयोद्विविधः पुरुषार्थः अभ्युदयो निःश्रेयसमिति । तयोरभ्युदयः पूर्वोक्तः । द्विविधं निःश्रेयसम्-सांख्ययोगाविति । पञ्चविंशतितत्त्वसांख्यम् । विषयेभ्यो निवर्त्याभिप्रेतेऽर्थे मनसोऽवस्थापनं योगः । उभयपक्षयोः

( Continued on the next page )





a very long passage, in which Sāṅkhya and Yoga are defined; reference is made to extensive *Tantras* on the two systems and a brief résumé is given of the Sāṅkhya system, which greatly resembles the Sāṅkhya-kārikā and the Tattvasamāsa. On Yāj. III. 227 Aparārka has a prose quotation from Devala about *patitas*. In the Smṛticandrikā (I. p. 63) there is a lengthy passage from Devala on the daily duties of the *brahmacārin*, a sūtra (I. p. 52) is quoted about *brahmacarya* for 48 years and in another place there is a prose passage about the wife's duties.<sup>268</sup>

Śāṅkarācārya<sup>269</sup> (in his bhāṣya on Vedāntasūtra I. 4. 28) states that Devala, author of a Dharmasūtra, accepted the Sāṅkhya tenet of *Pradhāna* being the cause of the world. Devala is very profusely quoted in the several kāṇḍas of the Kalpataru of Lakṣmīdhara e. g. he is quoted 40 times in Śrāddha, 21 times in Vyavahāra of which only two are in prose, 22 times on Brahmacāri, 32 times on Mokṣa, 27 times in Niyatakāla, 35 times in Grhastha. In the Tirthakāṇḍa (pp. 249 ff) rivers from Sarasvatī to Godāvarī, Kāverī, Tāmraparṇī are mentioned. On p. 72 of Śrāddhakāṇḍa there are two verses in which Manu is named as an authority on Śrāddhakalpa. On Dānakāṇḍa (pp. 5-9) there is one sūtra and 36 verses in explanation of that sūtra and the verses are quoted on eight kinds of brāhmaṇas (on pp. 30-32). In Vyavahāra on p. 393 there are two verses of Devala, in the 2nd of which the opinion of Manu on *asvāmya* (non-ownership) of women and slaves is mentioned viz. 'patyau jīvati

(Continued from the previous page)

फलम् । जन्ममरणदुःखयोरत्यन्ताभावोऽपवगं । एतौ सांख्ययोगौ चाधिकृत्य  
यैर्मुक्तिः समयतश्च पूर्वप्रणीतानि विशालानि गम्भीराणि तन्त्राणीह  
संक्षिप्योद्दिशतो । वक्ष्यन्ते । अपरार्क pp. 986-7 on या. III. 109. It may be  
noted that in the Sāṅkhyakārikā (verse 70) the Sāṅkhya system  
is designated Tantra ( 'tena ca bahudhā kṛtam tantram ).

268 पतिशुश्रूषा सहधर्मचर्या तत्पूज्यमानपूजनम् ।

269 'ईक्षतेर्नाशद्वम्' इत्यारभ्य प्रधानकारणवादः सूत्रैरेव पनः पुनराशङ्क्य  
निराकृतः । ... स च कार्यकारणानन्यत्वाभ्युपगमात्प्रत्यासन्नो वेदान्तवाक्य  
देव उपमृतिभिश्च कैश्चिद्धर्मसूत्रकारैः स्वग्रन्थेष्वश्रितः, तेन तत्प्रतिषेधे यत्नो  
कृतो नाण्वदिकारणवादे । शाङ्करभाष्य on वे. सू. I. 4. 28.



nāriṇām dāsānām svāmini sthite | tadvan-niyatam--asvāmyam  
sarvārthesvabravīn Manuḥ'. Compare Ādiparva 83. 21, Udyo-  
gaparva 33. 64 and Manu VIII. 416.

The Sm. C. quotes Devala 86 times on Āhnikā, 71 times on Śrāddha, 26 times on Vyavahāra. On p. 22 of Kalpataru on Śrāddha occurs the verse 'Mānavah śrāddhakalpoyam Manunā samudāhṛtaḥ'. On pp. 272-273 of the Brahmacāri-kāṇḍa there is a long prose passage on 'brahmacāridharma', while on pp. 208-210 of Śrāddha-kāṇḍa twenty-two verses are quoted from Devala on 'piṇḍavidhāna'. On pp. 811-12 of Vyavahāra-kāṇḍa there is a prose passage on four *anulomas* and 6 *pratilomas* and four verses explaining them and stating that the son of a brāhmaṇa from a ksatriya wife and the son of a ksatriya from a vaiśya wife are assimilated to the father; on p. 7 of Mokṣakāṇḍa there is a blending of the Sāṅkhya with *advaita* doctrines; on p. 100-101 of the same kāṇḍa the Sāṅkhya doctrine of 'Mūlaprakṛti', seven prakṛtivyakṛtis, 16 vikāras is set out at length.

In the Mit., in Haradatta, Aparārka and the Smṛticandrikā there are numerous quotations in verse from Devala on ācāra, vyavahāra, śrāddha, prāyaścitta and other topics. That seems to have been an independent work. In the Ānandāśrama collection of smṛtis there is a Devalasmṛti in 90 verses dealing with purification and prāyaścittas for contact with Mlecchas. This appears to be a late compilation. Some of the verses contained therein are ascribed to other authors, e. g. verses 17-22 are ascribed to Āpastamba by Aparārka (on Yāj. III. p. 1200) and verses 30-31 are ascribed by the Mit. (on Yāj. III. 290) and Aparārka to Viṣṇu.

It is to be noted that verses 82-90 at the end of this Devalasmṛti are the same as Yāj. III. 315-324 (with slight variations). Devala himself is named in verses 25 and 72 and Vyāsa in verse 68.

The Dharmasūtra of Devala, to judge from the quotations in the Kṛtyakalpataru, Aparārka, Smṛticandrikā and other early digests, appears to have been an extensive one and to have dealt with most of the topics that are discussed in the Dharmasūtras of Gautama, Āpastamba, Baudhāyana, Hārta and others and also some matters in detail such as Sāṅkhya and Yoga. The above works contain large prose extracts from

it on topics of Dharmaśāstra. A few examples may be cited here. In the Brahmacāri-kāṇḍa of the Kalpataru on pp. 30 and 100 there are prose passages on the Vedāṅgas and *itihāsa* and on pp. 272-73 a long prose passage on the duties and other observances of a brahmacārin; in the Śrāddha-kāṇḍa there is a very long prose passage (covering one page) on the persons to be avoided in Śrāddha (pp. 78-79), but most of the other quotations are in verse; in the Gr̥hastha-kāṇḍa (p. 119) occurs a long prose passage on the seven *pākayajñas*, seven *haviryajñas* and seven *soma-yajñas*; on pp. 254-255 a long prose passage on Kṣātradharmā and on pp. 304, 309, 312 prose passage on *himsā*, *anṛta* (falsehood) and *steya* (theft) respectively. In the Niyatakāla section (p. 142), the setting up of sacred smārta fire after marriage is provided in a prose passage; in the Vyavahāra-kāṇḍa (pp. 811-812) there is a prose passage naming four kinds of anuloma castes, six pratiloma castes and 6 *anturāla* castes and on p. 834 of the same kāṇḍa are set out in prose the duties binding on all men including cāṇḍālas. It is clear that the Devala Dharmasūtra was not all in prose; it contained numerous verses also; for example, on pp. 387-393 of the Gr̥hastha-kāṇḍa in a prose passage referring to sinful taints of three kinds (viz. mental, vocal and bodily) several verses are quoted describing separately the *doṣas* of these three kinds. Therefore, the Devala Dharmasūtra contained verses also. But the present author is not prepared to hold that the several hundred verses ascribed to or quoted from Devala in several works (e.g. Aparārka quotes about 120 verses from Devala) and in other digests are part of the Devala Dharmasūtra; many of them are very probably taken from a Devalasmṛti in verse. Hardly any other Dharmasūtra deals with Yoga and its technical terms like prāṇāyāma, pratyāhāra, dhāraṇā at such length as Devala does (vide H. of Dh. Vol. V. pp. 1380-81, notes 2263-64) for Sāṅkhya technique, p. 1409 n. 2314 on definition of Yoga, p. 1435 note 2356 (on prāṇa and apāna), p. 1439 note 2363 on prāṇāyāma, p. 1445 n. 2375 on pratyāhāra), p. 1447 n. 2380 (on Dhāraṇā), 1453 (n. 2390 on *Siddhis*), p. 1458 n. 2398 (on *aṅgāṅkāra* and *mamatva*). It may be noted that prose quotations from Devala are only a few (namely those on Yāj. I. 126, III. 58 and 256), while about two dozen verses of Devala are quoted on several other verses of Yāj.



It would be a great service if some scholar put together in one volume all the passages of Devala occurring in Kalpataru, Aparārka, and other early nibandhas with notes about parallel passages &c.

The Mahābhārata ascribes the view to Devala that in man there are three *jyotis*, viz. offspring, *karma*, and learning.<sup>270</sup>

Aparārka and the Smṛticandrikā cite verses from Devala on partition, inheritance, on woman's power over stridhana. These show that Devala, the jurist, flourished about the same time as the great jurists Brhaspati and Kātyāyana.

## 24. Paithīnasi

Though not enumerated in Yājñavalkya, Paithīnasi seems to have been a comparatively ancient sūtrakāra on Dharma. On Yāj. III. 262 Viśvarūpa quotes a sūtra of Paithīnasi on the *prāyaścitta* for killing a cow. Dr. Jolly (R. und S. p. 12) following Dr. Caland ('Ahnencult &c.' pp. 99, 109) thinks that Paithīnasi belongs to the Atharvaveda as the prose quotations on *śrāddha* agree with the ritual of the Atharvans. The Mit. (on Yāj. I. 53) quotes a sūtra of Paithīnasi to the effect that a person should marry a girl who is beyond the third degree on the mother's side and beyond the fifth on the father's side.<sup>271</sup> On Yāj. III. 17 the Mit. quotes two sūtras relating to impurity on death.<sup>272</sup> The Smṛticandrikā, Aparārka, Haradatta and other writers quote numerous sūtras of Paithīnasi. The Smṛticandrikā has a prose quotation on the duties of women.<sup>273</sup> In another place the Smṛticandrikā (II. p. 263) cites a sūtra on partition.<sup>274</sup> Aparārka (p. 112) quotes two verses of Paithīnasi recommending the practice of *sati* to women of all castes except Brāhmaṇa women. Aparārka (p. 239) quotes a sūtra saying that the food of astrologers,

270 त्रीणि ज्योतीषि पुरुषे इति वै देवलोल्लूखीत् । अपत्यं कर्म विद्या च यतः सृष्टाः प्रजास्ततः ॥ सभापर्व 72. 5.

271 त्रीनतीत्य मातृतः पञ्चातीत्य च पितृत इति च पैठीनसिना &c.

272 नित्यानि विनिवर्तेरन् वैतानवर्जं शालामौ चैके । सूतके सावित्र्या चाञ्जलिं प्रक्षिप्य प्रक्षिप्यं कृत्वा सूर्यं ध्यायन्नमस्कुर्यात् ।

273 स्त्रियो गृहदेवतास्तासां न शौचं न व्रतं नोपवासः । पतिशुश्रूषयेव स्त्रियो गच्छन्ति परमां गतिम् ॥ स्मृतिच० II. p. 252.

274 पैतृके विभज्यमाने दायाये भ्रातृणां समो विभागः ।



bell-makers and grāmakūṭas is poison.<sup>275</sup> Aparārka quotes ( on p. 744 ) a sūtra of Śāṅkha-Likhita and Paithīnasi about inheritance to a deceased sonless man.<sup>276</sup> Aparārka quotes another important prose passage<sup>277</sup> “ the wealth of ( a heirless) *śrotriya* goes to the *pariṣad* and not to the king, the king should not appropriate the wealth of temples and guilds, deposits and the wealth of minors and women ”. Then the sūtra quotes a verse on the same topic, which seems to refer to Manu 9. 194 in the word ‘ of sixfold origin ’ ( *ṣaḍāgama* ). Another sūtra quoted by Aparārka ( p. 754 ) says ‘ when an appointed daughter dies, her husband does not take her wealth; if she be issueless, her mother or mother-in-law should receive it ’. Aparārka quotes a verse of Paithīnasi ( p. 921 ) ‘ at the time of marriage, famines, sacrifices, fairs and pilgrimages there is no impurity due to birth or death ’.

Fragments of Paithīnasi Dharmasūtra were edited by Prof. T. R. Chintamani ( 1939 ) and published in Annals of Oriental Research ( University of Madras ). The Mit. on Yāj. I. 53 quotes a prose passage of P. limiting sapinda relationship to five degrees on the father's side and to three on the mother's side. On Yāj. I. 254 the Mit. quotes a verse about the sapindī-karaṇa of a childless woman by her husband along with her mother-in-law. Mit. quotes prose passages as well as verses from Paithīnasi. Vide Mit. on Yāj I. 256, III. 28-29 for quotations in verse and for quotations in prose on Yāj. III. 17, 19, 30, 265. Kalpataru in several Kāṇḍas quotes P. mostly in prose and sometimes in verse; P. is quoted in Śrāddhakāṇḍa 17 times, 29 times in Brahmacāri, 6 times in Vyavahāra, 32 times in Grhastha. Haradatta on Gaut. 14. 17 quotes a verse of P. stating that the days of mourning to be

275 सांवत्सरिकघाण्टिकग्रामकूटान्नं विषम् । The word ग्रामकूट ( a village officer ) is well known from inscriptions. The word ‘ grāmakūṭa ’ occurs in Kauṭīliya IV. 4. 9 meaning ( ‘ the headman of a village ’ ); vide also H. of Dh. Vol. III. pp. 982-3 for references to some inscriptions in which the word ‘ grāmakūṭa ’ occurs.

276 अपुत्रस्य स्वर्यातस्य भ्रातृगामि धनं तदभावे मातापितरौ लभेतां पत्नी वा ज्येष्ठा ।

277 ‘ परिषद्गामि वा श्रोत्रियद्रव्यं न राजगामि । न हार्यं राज्ञा देवतागणसंस्थितं न निक्षेपोपनिधिक्रियाक्रमागतं न बालस्त्रीधनानि । एवं ह्याह । न हार्यं स्त्रीधनं राज्ञा तथा बालधनानि च । नार्याः षडागमं दत्तं बालानां पैतृकं धनम् ॥ ’ The whole passage is ascribed to शङ्ख in वि. र. p. 598.

observed by a son being far away are ten from the day he hears of the death of his parents. P. in Vyavahāra-kalpataru p. 627 provides 'women<sup>277a</sup> are the presiding deities of the house, no rules of *śauca* (purification) or vrata or fasting are obligatory for them; they reach the highest worlds by merely looking after their husbands'. This is not to be understood literally but what it conveys is the great worth of 'pati-śuśrūṣā'; compare Manu V. 155 and Yāj. I. 87. Kalpa° on Vyava° p. 742 quotes a verse as occurring in both Śāṅkhālikhita and Paithīnāsī. Viśvarūpa (on Yāj. III. 262 p. 147) provides (in prose) a *prāyaścitta* for a *goghna* (one who causes a cow's death). Paithīnāsī appears to have held the same view that is ascribed to Aupajāṅghani in Baud. Dh. S. II. 2. 39-41 (these verses being also quoted by Āp. Dh. II, 6. 13. 6 and also in Vas. 17. 9 without name in both). Vide H. of Dh. Vol. II. p. 602 on 1417. Kalpataru on Vyavahāra p. 603 has: पैठीनसिः । तस्माद्रक्षेत्रायां सर्वतः । मा स्म सङ्करो भवत्विति । आह अप्रमत्ता रक्षत तन्तुमेनं मा वः क्षेत्रे परबीजान्यवाप्सुः । भार्या रक्षत कौमारीं बिभ्यतः पररेतसः । One expects वाप्सुः instead of अवाप्सुः (as मा precedes). The editor quotes only विवादरत्नाकर on p. 603 probably to clinch his thesis that Candēśvara merely borrows matters from Lakṣmīdhara and does not refer to Baud., Āp. or Vas., whom I had quoted years before in Vol. II (of H. of Dh.).

## 25. Budha

This sūtrakāra is not mentioned by Yāj. nor by Parāśara. He is very rarely cited. Aparārka on Yāj. I. 4-5, Kalpataru on Brahmacārī pp. 24, 78, 160, on Gr. Kāṇḍa p. 262, Naiyāta K. p. 211 (quoted in Vira-mitrodaya, Paribhāṣā p. 16), Hemādri.<sup>278</sup> Jimūta-vāhana's Kālaviveka are probably the

277a स्त्रियो गृहदेवताः । तासां न शौचं न व्रतं नोपवासः । पतिशुश्रूषया गच्छन्ति परमां गतिम् ॥ पैठी० in व्यव० कल्प० p. 627; compare अनुशासनपर्व 46. 15 (Ch. ed.) श्रिय एताः स्त्रियो नाम सत्कार्या भूतिमिच्छता । लालिता निगृहीता च स्त्री श्रीर्भवति भारत ॥ (q. by कल्पतरु on व्यवहार p. 610); यत्र कचन जातेन पिता पुत्रेण नन्दति । तेन चानृणतां याति पितृणां पिण्डदेन वै ॥ शङ्ख-लिखित-पैठीनसि in व्यव० कल्प० p. 742 and स्मृतिच. व्यव० (p. 252, Gharpure's ed.).

278 चतुर्वर्गः (दानखण्ड p. 527) says 'आदिशब्दाच्च बुधदेवसोमप्रजापतिः वृद्धशातातपपैठीनसिद्धागलेयच्यवनमरीचिवत्सपारस्करपुलस्त्यपुलहकतुङ्गश्रुतः त्रेयाणां ग्रहणम्'.





earliest writers and works to mention him. In the Deccan College Collection there are two mss. of a Budha-dharma-śāstra in prose (No. 507 of 1881-82 and No. 145 of 1895-1902, 2 folios). The work is very brief<sup>279</sup> and speaks of *upanayana*, marriage, eight forms of marriage, the *saṃskāras* from *garbhādhāna* to *upanayana*, the five daily great *yajñas*, *śrāddha*, *pākayajñas*, *haviryajñas*, *somayāga*, the means of subsistence for a Brāhmaṇa, the duties of Vaiśyas and Śūdras, the orders of forest hermits and *sannyāsins*, removal of thorns by the king, administration of justice, king's duties.

The work does not produce the impression of being early. It is in the nature of a summary of larger works on dharma. All quotations in Hemādri cited from Budha are not found in the mss.

## 26. Brhaspati

That Brhaspati was an ancient teacher of Arthaśāstra follows from the Kauṭiliya, wherein the Bārhaspatyas are cited six times. In the Mahābhārata (Śānti. chap. 59. 80-85) Brhaspati is said to have compressed into 3000 chapters the work on dharma, artha and kāma composed by Brahmā. The Vanaparva (32. 61) speaks of Brhaspati-nīti. The Mahābhārata several times cites verses (*gāthās* or *ślokas*) said to have been sung by Brhaspati<sup>280</sup> (vide Śānti. 23. 15, 56. 38-39,

279 The Budha sūtra opens as follows:— अथातो बुधधर्मशास्त्रं व्याख्यास्यामः । श्रेयोभ्युदयसाधनो धर्मः । गर्भाष्टमे ब्राह्मणो वसन्त आत्मानमुपनयेत् । एकादशे क्षत्रियो ग्रीष्मे । द्वादशे वैश्यो वर्षासु । मेखलाजिनदण्डकमण्डलूपवीतानि धारयेत् &c. हेमाद्रि (परिशेष, काल, p. 309) quotes this as Budha's from स्मृतिमहार्णव.

280 भूमिरेतौ निगिरति सर्पो बिलशयानिव । राजानं चाविरोद्धारं ब्राह्मणं चाप्रवासिनम् ॥ शान्ति. 23. 15. This verse (with the reading द्वाविमौ प्रसते भूमिः सर्पो &c.) is ascribed by शान्तिपर्व 51. 3 to Uśanas; vide note 236. above; बार्हस्पत्ये च शास्त्रे च श्लोको निगदितः पुरा । ... क्षममाणं, नृपं नित्यं नीचः परिभवेज्जनः । हस्तियन्ता गजस्येव शिर एवारुरुक्षति ॥ शान्ति. 56. 38-39; मरुतेन हि राज्ञा वै गीतः श्लोकः पुरातनः । राजाधिकारे राजेन्द्रबृहस्पतिमन पुरा ॥ गुरोरप्यवल्लितस्य कार्याकार्यमजानतः । उत्पथप्रतिपथस्य दण्डो भवति शाश्वतः ॥ शान्ति. 57. 6-7.

57. 6-7 ). *Vide* also Śānti. 58. 13-16, 69. 23-24. The Anuśāsana ( 39. 10-11 ) speaks of the Arthaśāstra composed by Brhaspati and others. In some of these places there are distinct references to a śāstra or *mata* of Brhaspati and sections of his work are referred to ( as e. g. rājādhikāra ). The Śāntiparva ( 170. 12 ) describes how a king could, according to Brhaspati's views, secure his goal in four ways.<sup>281</sup> In the Vanaparva ( 150. 29 ) men are said to be upheld by the *nayas* proclaimed by Brhaspati and Uśanas. *Vide* also Sabhā 50. 9, 55. 6, 73. 7-8, Udyoga 33. 71-72, 55. 66. The Kāmasūtra repeats the tradition that Brahmā composed a work in one hundred thousand chapters on *dharma*, *artha* and *kāma* and that Brhaspati dealt with a portion of that work, viz. on *artha*.<sup>282</sup> *Vide* note 238 above. Aśvaghōṣa ( Buddhacarita I. 46 ) speaks of the rājaśāstra of Śukra and Brhaspati. According to the Arthaśāstra of Kauṭilya some of the special views of Brhaspati's school were that there were only two vidyās for kings viz. vārtā and daṇḍanīti and that the council of ministers should comprise 16 members. According to Kāmandaka and the Pañcatantra ( II. 41 ) 'aviśvāsa' was the sheet-anchor of royal policy according to Brhaspati. The Yaśastilaka ( p. 13 ) says that the nīti of Brhaspati had no place for Gods.<sup>283</sup> The commentary on the Nītivākyaṃṛta gives the first verse of Brhaspati.<sup>284</sup> Viśvarūpa contains several prose quotations ( which from their context must have been taken from Brhaspati ) about the qualifications of a senāpati, pratihāra, dūta &c. It is somewhat strange that in this quotation the *mantrin* is required to be deeply conversant with the śāstras of Manu, Brhaspati and Uśanas. For similar prose quotations, *vide* Viśvarūpa on Yāj. I. 323, II. 154. That Brhaspati also wrote a sūtra work on Vyavahāra and other topics of dharma follows from the quotations contained in

281 चतुर्विधा ह्यर्थसिद्धिर्बृहस्पतिमते यथा । पारम्पर्यं तथा दैवं काम्यं मैत्रमिति प्रभो ॥ शान्ति० 170. 12.

282 प्रजापतिः प्रजाः सृष्ट्वा तासां स्थितिनिबन्धनं त्रिवर्गस्य साधनमध्यायानां शत-सहस्रेणाग्रे प्रोवाच । तस्यैकदेशिकं मनुः स्वायम्भुवो धर्माधिकारिकं पृथक् चकार । बृहस्पतिरर्थाधिकारिकम् । 5-7.

283 बृहस्पतिनीतय इवादेवमातृकाः ।

284 वाचा कायेन मनसा प्रणम्याङ्गिरसं मुनिम् । नीतिशास्त्रं प्रवक्ष्यामि सुखावहम् ॥



**Viśvarūpa and Haradatta.** For example, Viśvarūpa cites a prose passage from Bṛhaspati ( on Yāj. II. 38 ) about the duty of the king to restore property stolen from his subjects if he could not recover it from the thief, about the rising scale of the rates of interest according to the castes ; about the debts of a deceased man being payable by those who took his wealth, by his wife or by his son ; about a surety being made to pay when the principal died ; about the illegitimate son of a śūdra getting a share on his father's death and about his taking the whole estate with the king's permission if there were no legitimate issue of the śūdra.<sup>285</sup> Haradatta on Gautama 22. 18 quotes a prose passage from Bṛhaspati on the prāyaścitta for killing a cow. These quotations establish that Bṛhaspati wrote a sūtra work on dharma also ( i. e. at least on vyavahāra and prāyaścitta ). Viśvarūpa also quotes a few verses from Bṛhaspati on vyavahāra and prāyaścitta and in one place at least indicates that the verse he attributes to Bṛhaspati occurred in the same work in which a prose passage quoted by him occurred.<sup>286</sup> From this it follows that the sūtra work of Bṛhaspati on dharma contained verses also in Viśvarūpa's time. Whether the two works on arthaśāstra and dharma were composed by the same Bṛhaspati cannot be determined. It looks probable that they were composed by different authors. Yāj. ( I. 4-5 ) mentions Bṛhaspati among the expounders of dharma. He is probably referring to the sūtra work on dharma disclosed by quotations from Viśvarūpa.

285 तथा च बृहस्पतिः ' चोरापहृतं तु सर्वेभ्योन्विष्यार्पणीयम् । अलभे स्वकोशाद्वा । अददच्चोरकिल्बिषी स्यात् । ' on याज्ञ. II. 38 ; तथा च बृहस्पतिः — पादोपचयात् क्रमेणेतरेषाम् इति on याज्ञ. II. 39 ; बृहस्पतिश्च धनस्त्रीहारिपुत्राणां पूर्वाभावे यथोत्तरमाधमर्ण्यं तदभावे कमशोन्ययां रिक्थभाजाम् । on याज्ञ. II. 47 ; तथा च बृहस्पतिः—उपस्थाप्यविपत्तावुपस्याप्यस्य पुनः प्रतिभूर्दाप्यः—इति । on याज्ञ. II. 55 ; तथा च बृहस्पतिः—' कामतश्च शूद्रावरोधजस्य भ्रातुरंशं संमानमात्रं प्रेते पितरि दद्युः शुश्रूषुश्चेत् ' इति । on याज्ञ. II. 138.

286 On याज्ञ. III. 262 विश्वरूप says ' बृहस्पतिना तु द्वादशाहेन गोघाती तस्मात्पातप्रमुच्यते । क्षीराहारो भवेत्तत्र क्षीरदध्यशनोपि वा ॥ ' ; तथेदमन्यत् ' गायत्र्या दशसाहस्रं &c. ( two verses ) ' । तथेदं तत्रैवान्यत् ' द्वादशरात्रं पञ्चगव्याहारः षडरात्रं वा यावकाहारो गोष्ठे वसेत् । ... ब्राह्मणान् भोजयित्वा शुधेदित्येव बृहस्पतिः ' इति । The words द्वादशरात्रं पञ्चगव्याहारः are attributed to बृहस्पति by हरदत्त also.

In the Mit. and other commentaries and nibandhas over seven hundred verses on vyavahāra and a few hundred more on ācāra and prāyaścitta are cited from Bṛhaspati. That seems to have been an independent work composed between 300 and 500 A. D., which will be discussed later on (vide sec. 37).

In Jivananda's collection (part I. pp. 644-651) and in the Ānandāśrama collection there is a Bṛhaspatismṛti in 80 verses in which Bṛhaspati is represented as instructing Indra about gifts. Several mss. in the Deccan College Collection contain this smṛti, but in an abridged form in 70 and 49 verses (No. 130 of 1884-86 and No. 147 of 1895-1902). Vide also I. O. cat. p. 386 No. 1324, 1325-1328. Aparārka quotes (p. 1225) verse 7 of this smṛti (in verse) and the Dānaratnākara quotes verses 6 and 7 as from Dāna-Bṛhaspati.

The Bārhaspatya Arthaśāstra edited by Dr. F. W. Thomas (Lahore, 1921) is a later work and does not deserve more than a passing notice. In six chapters it deals with the conduct, duties, studies of kings, omens, rules of policy &c.

## 27 Bharadvāja and Bhāradvāja

Dr. S. C. Banerjee in his work (Dharmasūtras, a study in their origin and development) published in 1962 at Calcutta quotes only three prose passages of Bharadvāja. Although he publishes his work thirty years after the first vol. of the H. of Dh. he does not mention two prose passages which had been cited on pp. 126, 127, of that volume.

There is a Śrauta sūtra and a Grhya sūtra attributed to Bhāradvāja. The Ms. of the śrauta in Bombay University Library contains nine praśnas and a portion of the 10th and begins 'darsapaurṇamāsau vyākhyāsyāmaḥ.' It quotes Ālekhana and Āśmarathya frequently. The Grhya has been edited by J. W. Salomons. It appears from quotations in Viśvarūpa and other early commentators that a sūtra work on dharma attributed to Bharadvāja or Bhāradvāja was in existence. The forms Bharadvāja and Bhāradvāja probably refer to the same work. On Yāj. (I. 15) Viśvarūpa quotes a prose passage from Bhāradvāja prohibiting the learning of *mleccha* tongues and calling upon the preceptor to teach his pupil pure words.



rājāsāstra. The Yaśastilaka<sup>292</sup> (4th Āśvāsa p. 100, Nirṇaya-sāgara ed.) quotes two verses of Bhāradvāja from his treatise on the topic of the six *guṇas*. This shows that Bhāradvāja's work on politics was available in the 10th century and contained verses (probably intermixed with prose).

Bharadvāja (Bārhaspatya) is the sage of the whole of the sixth Maṇḍala of the Ṛgveda. The form Bharadvāja occurs (in the singular) in several verses (e. g. Ṛg. VI. 16. 5 and 33, VI. 31. 4) and in the plural also (in Ṛg. VI. 25. 9 and VI. 50. 15). The form Bhāradvāja occurs in Ṛg. VI. 51. 12 and in VII. 2. 63. Pāṇini mentions Bhāradvāja as a predecessor. The Mahābhāṣya notes at least in nine cases that the Bhāradvājiyas read the Vārtikas differently (e. g. Vārtika 9 on Pāṇ. I. 1. 56, Vārtika 3 on I. 2. 22, Vārtika 4 on IV. 1. 79). That is, the Bhāradvājiyas were a school of grammarians. Bhāradvāja is said to be the eldest son of Brhaspati in Anuśāsanaparva 30. 24 ff. In Śāntiparva<sup>292a</sup> chap. 140 there are two verses that state: the king should have the rod of punishment ready (or raised up), that he should always exhibit his prowess, he should have no weak points, but should find out the weak points (of others) and should pursue the holes (weaknesses) of others, that people are afraid of him whose Rod is raised and that out of the four *upāyas* Daṇḍa is the supreme one. These occur in Bharadvāja's dialogue in Śānti 140. Manu (VII. 102-103) has almost the same verses. Kautilya differs

292 अवक्षेपेण हि सतामसतां प्रप्रेहेण च । तथा सत्त्वेष्वभिद्रोहाधर्मस्य च कारणात् ॥  
विमातनाच्च मान्यानां विश्वस्तानां च घातनात् । प्रजानां जायते कोपो  
नृपतेश्चायुषः क्षयः ॥ इति कथमिदमभाषत षाड्मुन्यप्रस्तावे भारद्वाजः ॥

292a निन्यमुद्यतदण्डः स्यान्नित्यं विवृतपौरुषः । अच्छिद्रश्छिद्रदर्शी च परेषां  
विवरानुगः ॥ निन्यमुद्यतदण्डस्य निन्यमुद्विजने नरः । तस्मात्सर्वाणि  
भूतानि दाडेनैव प्रसाधयेत् । ... तस्माच्चतुष्टये तस्मिन् प्रधानो दण्ड इष्यते ॥  
शान्ति० 140. 7-9 ( dialogue of भारद्वाज with शत्रुञ्जय king of Sauvira ).  
Compare मनुस्मृति ( VII. 102-3 निन्यमु ... पौरुषः । निन्यमुद्यतदण्डस्य  
कृत्स्नमुद्विजन्तं जगत् । तस्मात् ... साधयेत् ॥. Vide अर्थशास्त्र I. 4, 5-11  
तस्माल्लोकयात्रार्थी निन्यमुद्यतदण्डः स्यात् । न श्रेयंविधं वशो मनयनमस्ति भूतानां  
यथा दण्डः इत्याचार्याः । नेति कौटिल्यः । तीक्ष्णदण्डो हि भूतानामुद्वेजनयोगो  
भवति । मृदुदण्डः परिभूयते । यथार्हदण्डः पूज्यते । सुविज्ञातगणीतो हि दण्डः  
प्रजा धर्मार्थकामैर्योजयति । ( Some identical words and phrases in  
the three works have been underlined ).



from these views. He states "The ācāryas say 'a king desiring the orderly maintenance of people's life should always have the Rod of punishment lifted up (for striking when necessary); for, there is no such means for keeping beings under one's control as Daṇḍa'; 'No' says Kauṭilya; for, the king that wields the Rod of punishment with severity becomes an object of disgust to beings; a king who is mild in punishing is treated with contempt, while a king that metes out the proper punishment is honoured; for the Rod of punishment used after proper consideration endows the people with Dharma, Artha and Kāma".

It appears to the present author that Kauṭilya instead of separately mentioning Bharadvāja reported in the Śāntiparva and Manu, probably lumps the three (viz. Bharadvāja, Vyāsa who quoted Bharadvāja's views and Manu) and refers to the three as 'ācāryāḥ' here. It is remarkable that Kauṭilya nowhere expressly mentions Vyāsa's name or the name Mahābhārata either for supporting his own views or for differing from him or it. In I. 3. 1-2 the Kauṭilya first mentions Sāmaveda, R̥gveda, Yajurveda as Trayī, then adds Atharvaveda and Itihāsaveda and thus makes the Vedas to be five. In the Chāndogyopaniṣad (VII. 1. 2, VII. 1. 4, VII. 7. 1) Itihāsa-Purāṇa is said to be the 5th Veda and it seems that the Kauṭilya follows it. So the Itihāsaveda was entitled to great respect as Veda. It is probable, therefore, that he does not expressly state anywhere that he differs from the Mahābhārata or from Vyāsa. In the Mahābhārata itself 'Ākhyāna' is frequently mentioned as the 5th Veda, as in Vanaparva 58. 9, Udyoga 43. 41-42, Karṇaparva 87. 42, Śalya 6. 14. The Arthaśāstra I. 5 14 (Purāṇam-itivṛttam-ākhyāyikā-udāharaṇam-dharmaśāstram-arthaśāstram cetihāsaḥ) produces a jarring note, including, as it does, even Dharmaśāstra and Arthaśāstra under Itihāsa. This does not stand to reason and tradition and is probably an interpolation or a marginal note, which later came to be embodied in the original work.

The Parāśara-Mādhaviya (vol III, p. 231) quotes a verse of Bharadvāja which divides a pledge into four varieties. A few quotations from Bharadvāja on matters of vyavahāra are cited in other works. For example, the Sarasvatī-vilāsa cites a verse of Bharadvāja that a compromise, an exchange and a partition, if fair and equal, could be annulled



only for ten days, but could be annulled till the 9th year, if unfair.<sup>293</sup> It appears that the verses of Bharadvāja on vyavahāra are taken from a work other than the ancient work on politics.

## 28. Śātātapa

Śātātapa is enumerated among the expounders of dharma by Yāj. (I. 4-5) and by Parāśara. Viśvarūpa, Haradatta and Aparārka quote several prose passages of Śātātapa on prāyaścitta. Viśvarūpa (on Yāj. III. 236) tells us that Śātātapa spoke of only eight upapātakas and that without dealing with śrāddha as a principal topic he spoke of some of the subsidiary details of śrāddha.<sup>294</sup> The latter passage quoted from Śātātapa is a half verse. So Viśvarūpa had a prose work of Śātātapa before him, mixed with verses. Haradatta on Gaut. (Dh. S. 22. 18) quotes a prose passage of Śātātapa about the penance for killing a cow. Viśvarūpa on Yāj. III. 236 (part II. p. 93) states that Śātātapa mentioned in a prose passage only eight Upapātakas 'Śātātape tu astāvopapātakānyuktāni, athopapātakānyagnyutsādityādini' etc. Viśvarūpa on Yāj. III. 262 (part 2, p. 148) mentions a sūtra of Śātātapa on prāyaścitta. Maskarī on Gaut. 23. 35 quotes a prose passage from Ś. on prāyaścittas 'anudaka-mūtrapu-rīśagrahane śvakākasparsane sacelasnānam mahāvvyāhrti-homaśca rajasvalāgamane ca itadevam'. The Laghu-Śātātapa-smṛti (Anan. collection) contains several verses of Manu (e.g. verses 103, 105, 107 of it are respectively the same as Manu III. 237, III. 174, III. 235 and verses 45 and 58 refer to Śātātapa. Vrddha-Śātātapa is quoted several times in Kalpataru e. g. on pp. 98-99 of Brahma°, on pp. 286, 405 of Grhas-tha, 6 times on Śrāddha. It is interesting to note that a verse of Śātātapa quoted by the Mit. on Yāj. I. 192 provides that a prāyaścitta is not prescribed for men who bathe in or drink the water from a well or a dam dug or constructed by *antyajas*. The Mit. on Yāj. quotes several prose passages of

293 सन्धिश्च परिवृत्तिश्च विभागश्च समा यदि । आश्नाहं निर्वर्तेत विषमे नववत्सरात् ॥

सरस्वतीविलास pp. 314. 320.

294 यथा शातातपः श्राद्धमनुस्त्वैव तद्रतान्गुणानाह- 'विना यज्ञो म्वितेन गन्धैर्विना समालोकेत' इति । विश्वरूप on Yāj. I. 4-5.



Śātātapa on III. 243, 254, 263-64. In the Mit., the Smṛti-candrikā and other works numerous verses of Śātātapa are quoted on ācāra and śrāddha. This work of Śātātapa in verse is most probably a different one from the sūtra work. It appears that there are several smṛtis ascribed to Śātātapa. In Jivananda's collection there is a smṛti of Śātātapa called Karmavipāka in six chapters and about 231 verses. Its contents are: certain diseases are concomitants of certain sins; gifts of land, cows &c.; eulogy of Brāhmaṇas; penances for killing a brāhmaṇa, a cow &c., penances for drinking wine, for incest and forbidden sexual intercourse of various sorts, for thefts; rites for those who meet with violent and accidental death. The last verse declares that the Smṛti was promulgated by Śātātapa to his pupil Śarabhaṅga. It is a late production. It prescribes the reading of the Harivaṁśa ( II. 30 ) as a penance for infanticide. Vide below under Madanapāla.

No. 1362 of the I. O. catalogue ( and cat. of Madras Govt. mss. vol. V. pp. 1994-96 ) is a Śātātapa-smṛti in twelve chapters dealing with prāyaścittas for mahāpātakas, prāyaścittas for injuries to various beings, marriage, vaiśvadeva, śrāddha, pitṛtarpaṇa, rules about taking one's dinner, prāyaścitta for dogbites and similar matters; impurity on birth and death, rules of conduct ( ācāra ).

No. 1361 of the I. O. catalogue is a treatise in mixed prose and verse on prāyaścittas for the Mahāpātakas and Upapātakas. Several verses of Manu ( such as III. 8, 11, 171 ) occur therein. It contains 139 verses. In Mitra's Notices ( II. p. 4 ) there is a ms. called Karmavipāka in 87 chapters and 2376 verses, of which the work in Jivananda's collection seems to be a part or abridgment.

Aparārka in several places quotes the views of Śātātapa immediately followed by quotations from Vṛddha-Śātātapa or *vice versa* ( e. g. on Yāj. I. 190, on III. 292 p. 1195 and p. 1201 ).

No. 205 of A. 1882-83 of the Deccan College Collection is a Vṛddha-Śātātapa smṛti in 64 verses on prāyaścittas for doing various things, on śrāddha, on washing the teeth. 100  
Cat. No. 1360 p. 398 is a Vṛddha-Śātātapa-smṛti in 97 verses on defilement and purifications. The Ānandāśrama collection

contains a Vṛddha-Śātātapa smṛti in 68 verses ( pp. 232-235 ) on prāyaścittas, purification from various defilements and other miscellaneous matters. There are two prose passages therein.

Hemādri mentions a Vṛddha-Śātātapa along with several other smṛtikāras ( vide note 278 above ). In the Vyavahāra-mātrkā of Jimūtavāhana ( p. 305 ) Vṛddha-Śātātapa is cited on the six kinds of *uttara* (defendant's reply).<sup>295</sup> This shows that Vṛddha-Śātātapa wrote on Vyavahāra also.

The Mit. ( on Yāj. III. 290 ) cites a Bṛhat-Śātātapa.

Hemādri (III. 1. 801) speaks of a bhāṣyakāra of Vṛddha-Śātātapa.

## 29. Sumantu

For a Dharmasūtra of Sumantu vide Madras Tri. Cat. of Sanskrit Mss. ( 1919-22 ) pp. 5160-62.

From Viśvarūpa, Haradatta and Aparārka it follows that Sumantu composed a sūtra work on *dharma*, particularly on ācāra and prāyaścitta. Viśvarūpa quotes prose passages from Sumantu on upapātakas,<sup>296</sup> on prāyaścitta for Brāhmaṇa-murder ( on Yāj. III. 237 ), for drinking wine ( on Yāj. III. 250 ), for theft of gold ( on Yāj. III. 252 ), for incest ( on Yāj. III. 253-54 ), for killing a cow and about ātatāyin ( on Yāj. III. 261 ). In one quotation from Sumantu cited by Viśvarūpa the views of ācāryas and of Āṅgīrasa are mentioned.<sup>297</sup> The prāyaścittas for Brāhmaṇa-murder and for killing a cow contained in Viśvarūpa occur in Haradatta ( on Gaut. 22. 13 and 18 ). Most of the quotations cited by Viśvarūpa occur in Aparārka also. The Hāratalā ( p. 68 ) quotes sūtras of Sumantu on āśauca. One well-known sūtra of Sumantu is 'no prāyaścitta ( or blame ) is incurred by killing an

295 वृद्धशातातपवचनं तु बहुज्ञजीर्णकृतानिबन्धेस्माभिर्दृष्टं न पुनर्भोजदेवे ।

296 एवं सुमन्तुः ' स्त्रीरजतगोस्तैन्यं गोश्च गमनं नाशकं भूम्यनृतं क्षत्रियवैश्यगोघ्नता परिवर्जितावकीर्णिता प्रतिरूपकवृत्तिश्चेत्युपपातकानि ' इति । विश्वरूप on याज्ञ III. 229-236.

297 न ब्राह्मणस्य पतनमिच्छन्त्याचार्याः किल्बिष्युगतः पातव्य इत्यादि । इति । विश्वरूप on याज्ञ. III. 237.



ātatāyin, except cows and brāhmaṇas'.<sup>298</sup> Aparārka quotes sūtras from Sumantu condemning marriage with maternal uncle's or paternal aunt's daughter and recommending the abandonment of a young wife in certain circumstances.<sup>299</sup> In the *Sarasvatīvilāsa* a prose passage of Sumantu is cited on the seven constituents of rājya.<sup>300</sup>

Paithīnasi includes Sumantu among the thirty-six sages, expounders of Dharmaśāstra. Kalpataru (Br. K. p. 22) enumerates the means of settling (doubts on) points of Dharma viz. Veda, Vedāṅga, Itihāsa-purāṇa, Tarka, Mīmāṃsā and Dharma-śāstras and also the practices of families, *gaṇa*, country, caste and varṇa, and also the usages of heretical sects, of the āśramas and of those learned in the Vedas. On p. 76 of the Br. kāṇḍa Sumantu provides that all Brāhmaṇas, Kṣatriyas and Vaiśyas have to undergo the *saṁskāras* from Garbhādhāna to Vivāha and Yajñas. The Vratākāṇḍa (Kalpa°) quotes from Sumantu numerous verses on Kṣīrapratipad Vrata (pp. 36-38) and on Aśūnyaśayana-vrata (pp. 41-44). It is possible that some of the verses ascribed to Sumantu in these cases are the compositions of some Sumantu other than the author of the prose sūtras. e. g. the verse 'a householder that does not offer śrāddha, when the sun is in Virgo, how can he have wealth and sons' &c. (q. by Aparārka on Yāj. I. 217 p. 424). Kalpataru (on śrāddha) pp. 90-91 quotes a long prose passage from Sumantu on persons that are *apāṅkteya* (not fit to dine in the same row with others invited at Śrāddha). Aparārka quotes numerous prose passages of Sumantu on prāyaścitta. A much discussed dictum of Sumantu

298 विश्वरूप on याज्ञ. III. 262 quotes it as 'नाततायिवधे प्रायश्चित्तमन्यत्र गोब्राह्मणेभ्यः,' while the मिता. on याज्ञ. II. 21 quotes it as 'नाततायिवधे दोषोन्यत्र गोब्राह्मणात्'; the स्मृतिमञ्जरी of गोविन्दराज (I. O. ms. No. 1736) has 'आततायिन्यदोषोऽन्यत्र गोब्राह्मणेभ्यः'.

299 मातुलसुतां पैतृष्वसेर्यां समानार्षगोत्रां च परिणीय चान्द्रायणं चरन् परित्यज्यैनां बिभृयात् । अपरार्क on याज्ञ. I. 53; 'कन्या कुत्सितान्यजातिकर्मशीला व्याध्युहता परिणीता यद्यक्षतयोनिः स्यात्परित्यक्तव्या' अपरार्क on याज्ञ. I. 65.

300 अतः सप्ताङ्गानि सर्वथा संरक्ष्याणीत्याह सुमन्तुः 'स्वाम्यमात्मना संरक्षेत् । अमात्यान् संमानेन । वर्णान् रज्जनेन । जनान् वर्णधर्मरज्जनेन । दुर्गं धनधान्याः समृद्ध्या । कोशमुचितव्ययेन । दण्डं स्वधर्मेण । इति ।' सरस्वती • p. 46.

( q. by Mit. on Yāj. II. 21 and by Aparārka on p. 1043 on Yāj. III. 227 ) is ' there is no blame ( or sin ) in killing an *ātātāyin*, except in the case of a cow or a *brāhmaṇa* that is *ātātāyin* ). For a discussion of this dictum vide H. of Dh. Vol. II. pp. 148-151 and III. pp. 517-18, and the paper ' *Ātātāyivadhā* ' by Prof. Rangasvami Aiyangar in C. K. Raja presentation vol. pp. 197-232. The Mit. quotes several prose passages of Sumantu on Yāj. II. 21, III. 6, 37, 250, 258, 260.

These quotations from Viśvarūpa and others establish that a prose work on dharma by Sumantu existed early enough. It appears, however, that the work was not a very ancient one. Neither Yājñavalkya nor Parāśara mentions Sumantu among the propounders of *dharma*. On the other hand the name of Sumantu is an ancient one. In the *Bhāgavatapurāṇa* ( XII. 6. 75 and 7. 1 ) Sumantu is said to have been a pupil of Jaimini and a promulgator of the *Atharvaveda*. Vide *Śāntiparva* 341. 19 for Sumantu and other pupils of Vyāsa and Sabhā 4. 11. In the daily *tarpaṇa* the name of Sumantu occurs along with Jaimini, Vaiśampāyana, Paila.

Numerous verses on dharma are also cited from Sumantu by Aparārka, the *Smṛticandrikā* and other works. This may probably be a different work from the sūtra work of Sumantu. In one verse of Sumantu ( Aparārka on Yāj. I. 223 ) occur the words ' *Śaikhasya vacanam yathā* ' and in another ( Aparārka on Yāj. I. 217-218 ) the Kanyā sign of the zodiac is referred to.

It is remarkable that the Mit. and Aparārka contain no verses of Sumantu on *vyavahāra*. The *Sarasvatī-vilāsa* is rich in quotations from Sumantu on *vyavahāra*. A compromise, exchange or partition, if fair, could be annulled up to the tenth day, but if unfair up to the 9th year ( vide note 293 above ). ' If even as much as a *māṣa* went from the buyer to the seller, that would support the sale of the land ( sold just as a small dose of poison permeates the whole body and when no purchase-money is paid or only a portion is paid, then the purchase is called *avakraya* and is liable to be set aside if the price is not paid in ( good time ) ' .<sup>301</sup> Sumantu prescribes a

301 माषमात्रमपि द्रव्यं केतुर्विक्रेतरि स्थितम् । व्याप्नोति सकृदां भूमिं कायसल्यं  
विषं यथा ॥ अर्धं दत्तमदत्तं तु क्रयमादुरवक्रयम् अवक्रयो निवर्तेत यदि काले  
न दीयते ॥ सरस्वती० p. 321.



fine for selling and purchasing land without the consent of the neighbouring members of the family and says that in case of pre-emption the neighbours on the east are preferred to all and those on the south come last.<sup>302</sup> Sumantu defines a mortgage by conditional sale (called 'uktalābhakraya') and a sale for arrears of revenue by the king's orders (called ājñākraya).<sup>303</sup>

Vide reconstruction of Sumanta by Prof. T. R. Chintamani in JOR (Madras) vol. VIII. pp. 75 ff.

### 30. The Smrtis

The word *smṛti* is used in two senses. It is applied to all ancient orthodox non-Vedic works such as Pāṇini's grammar, to the śrauta, grhya and dharma sūtras, to the Mahābhārata, to Manu, Yājñavalkya and others. In a narrower sense *smṛti* and *dharmaśāstra* are synonyms, as Manu says.<sup>304</sup> The word *smṛti* occurs in Taittirīya Āraṇyaka (I. 2). Gautama (Dh. S. I. 2) and Vasiṣṭha (Dh. S. I. 4) speak of *smṛti* as one of the sources of Dharma. Āp. Dh. S. (II. 6. 15. 25) employs the word *smṛti* and has in view Gautama's Dharma-sūtra according to Haradatta. In the Pūrvamīmāṃsā-sūtra the word *smṛti* occurs (vide VI. 8. 23 and XII. 4. 42).<sup>305</sup> In the Vedāntasūtras the word *smṛti* is employed in a wide sense, in one place as referring even to the sāṅkhya system.<sup>306</sup>

302 शात्यादीननुज्ञाय समी स्थानतन्दिनाम् । क्रयविक्रयकर्तारौ तत्समं दण्डमर्हतः ॥ सरस्वती० p. 322; 'चतुःसामन्तसन्निध्ये प्राची दिग्बलवत्तरा । उदीची च प्रतीची च सर्वाभावे तु रक्षि ॥ p. 323.

303 निविचिच्च द्रव्यमाशय काले दास्यामि ते क्वचित् । नो चेन्मूर्धमिदं त्यक्तं केदार-स्येति यः क्रयः ॥ स उक्तलाभ इत्युक्त उक्तकालेप्यनर्णना ॥ सरस्वती० p. 321; मूल्यस्य पादमर्थं वा मूल्यमाज्ञाक्रमे स्थितम् । मूल्यं तदात्मखिलं दत्त्वा क्षेत्रं समागुयात् ॥ आ त्रिभोगात् ततः केतुः परतो दृढताभियात् । p. 323.

304 श्रुतिस्तु वेशे विज्ञेयो धर्मशास्त्रं तु वै स्मृतिः । मनु II. 10.

305 स्मृतेषां स्याद् ब्राह्मणानाम् । पू. मी. सू. XII. 4. 42 (refers to आर्त्तिज्य) .

306 स्मृत्यनवकाशशेषप्रसङ्ग इति चेन्नान्यस्मृत्यनवकाशशेषप्रसङ्गात् । वेदान्तसूत्र II. 1. 1.



In that work the word is used, according to Śaṅkara, with reference to the Mahābhārata or the Manusmṛti (Vedānta-sūtra II. 3. 47, III. 1. 14, IV. 2. 14).

Manu applies the word Smṛti also to works that are opposed to and beyond the pale of the Veda (on XII. 95).<sup>307</sup> But the word is used in this work in a narrower sense viz. Smṛti means a work that is not opposed to the Veda or that does not treat the Veda as not authoritative and treats of varṇa, jāti, āśramas and cognate topics. The word Smṛti occurs in the Mahābhārata (Śāntiparva 85. 10). But the more frequent word is Dharmaśāstra, though Manu (II. 10) says 'Smṛti is Dharmaśāstra.' On Pāṇ. I. 2. 64<sup>308</sup> there is a vārtika 'Dharmaśāstram ca tathā' (39 in vol. I. p. 242 of Kielhorn's ed.). Passages in the Mahābhāṣya show that Patañ-

307 The Tantravārtika (p. 196, Ānan. ed.) refers to this 'पाखण्डिनो विकर्मस्था हैतुकाश्चैत एव हि ॥ एतदीया ग्रन्था एव च मन्वादिभिः परिहार्यत्वेनोक्ताः - या वेदवाग्नाः स्मृतयो.....तमोनिष्ठा हि ताः स्मृताः ॥'.

308 This last verse is मनु XII. 95.

धर्मशास्त्रं च तथा । वार्तिक 93 on पा. I. 2. 64 (vol. I. p. 242, Kielhorn's ed.). The महाभाष्य remarks 'एवं च कृत्वा धर्मशास्त्रं प्रवृत्तं ब्राह्मणो न हन्तव्यः सुरा न पेयेति ब्राह्मणमात्रं न हन्यते सुरामात्रं च न पीयते ।'. The same words again occur on Vārtika 5 to Pāṇ. VI. 1. 84 (Kielhorn, vol. III. p. 57).

Some select smṛti passages from the Mahābhāṣya are cited here and it would be shown that some of them occur in Manu, Mahābhārata and in other comparatively ancient works. Vide above p. 14 note 52a for some examples and a few more are added here. (a) कालः पचति भूतानि कालः संहरते प्रजाः ॥ on Pāṇ. III. 3. 167; this occurs in Striparva 2. 24; (b) तपः श्रुतं च योनिश्च एतद्ब्राह्मणकारकम् । तपः-श्रुताभ्यां यो हीनो जानिब्राह्मण एव साः ॥ on Pāṇ. V. 1. 115; अनुशासन (121. 7) has the first half and the 2nd half is त्रिभिर्गुणैः समुदितस्ततो भवति वै द्विजः ॥ (c) पञ्च पञ्चनखा भक्ष्या इत्युक्ते गम्यते एतदतोऽन्येऽ-भक्ष्या इति (p. 5 of Kielhorn's vol. I); compare Āp. Dh. S. I. 5. 17. 35 पञ्चनखानां गोधा...वर्जम्, Gautama 17. 27. Vas. 14. 39; Manu V 18, Yāj. I. 177; (d) लोमनखं स्पृष्ट्वा शौचं कर्तव्यम् । on शिवसूत्र 3 and 4; compare Manu IV. 144. For गर्भाष्टमे ब्राह्मण उपनेयः हृदयंगमाभिः &c. cited there, vide respectively Gaut. I. 1 and Manu II. 36 and Āp. Dh. S. I. 5. 16. 2 and Vās. III. 31.





jali had before him a large smṛti literature. Vide I. H. Q. vol. II. pp. 67 ff; I. A. vol. 14. pp. 326-27 (Kielhorn), I. H. Q. vol. XI. pp. 79-90; Dr. F. W. Thomas Presentation Volume pp. 128-133 on 'Mahābhārata verses and very ancient Dharma-sūtras and other works' (by the present author). The Mahābhārata is spoken of as Dharmaśāstra, Arthaśāstra and Kāmaśāstra (in Ādi. 2. 383). The word Dharmaśāstreṣu or Dharmaśāstrāṇi (in the plural) occurs frequently in the great epic (vide Vanaparva 207. 83, 293. 34, 313. 5; Śānti. 24. 13, 297. 40, Anuśāsana 90. 34). The extant Manusmṛti also (in III 232) mentions "Dharmaśāstrāṇi." Dharmaśāstra is a much wider term than Dharmasūtra. The Dharmasūtras are only a few while there are dozens of Dharmaśāstras. Vide p. 21 above for points of difference between Dharmasūtras and Dharmaśāstras.

It may be stated that Inscriptions from comparatively early times refer to Smṛtis, particularly to the Smṛti of Manu. The Valabhī grant of Dhruvasena of Valabhī year 207 (i. e. 525-6 A. D.) published in I. A. vol. II. p. 205 qualifies the king as 'Manvādi-praṇīta-vidhī vidhānā-dharmā.' The Palitana plates of Simhadeva in the year 255 of the Valabhī era (i. e. 574 A. D.) in E. I. Vol. XI. pp. 16-20 of the Sāmanta-Mahārāja-Simhāditya speaks of Varāhadāsa (the father of the ruling chief) as 'one whose intellect was purified by plunging into the waters of the several Smṛtis composed by Manu and others. Similarly, in the Palitana plates of Dharasena II of (Gupta Samvat) 252 (i. e. 571 A. D.) in E. I. Vol. XI. pp. 80 at p. 82, we have the striking description of Guhasena (father of Dharasena as one in whose case the title 'rāja' was significant because he pleased the hearts of his subjects by properly observing the path laid down by all Smṛtis (sakala-smṛti-praṇīta-mārga-samyak-paripālana-prajñā-hṛdaya - raṇjanād-anvārtha-rāja-śabdah). In the Pulibumra plates of the Eastern Cālukya king Jayasīma I (632-663 A. D.) occur the words 'Bṛhaspatiriva nayajño Manuriva vinayajñah, Yudhiṣṭhira-iva dharmaparāyaṇah' (E. I. vol. 15 at p. 256).

The same words (i. e. those in E. I. Vol. XI. at p. 82) occur in the Wala plate of Guhasena of Samvat 246 (of the Valabhī era, i. e. 565 A. D.). A much later grant of Chāla-mina Ratnapāla of the Vikrama year 1176 (1119-20 A. D.) in (E. I. XI. pp. 304-313) speaks of the donee as devoted to

the study of Itihāsa-Purāṇa-Rāmāyaṇa Bhārata-pada-vākya Yājñavalkya-Kātyāyana-Bhṛgu Aṅgīro-Mārkaṇḍeya - Bhaṭṭa-tadarśanādi-śaṭśāstrābhiratasya' (on p. 311). Here the Smṛti authors Yājñavalkya, Kātyāyana, Bhṛgu (meaning probably 'Manu'), Aṅgīras and Mārkaṇḍeya are specially mentioned, besides the six Philosophical systems of Bhaṭṭa (i.e. Kumārila) and others.

Smṛtis mirrored the beliefs and practices of people and also influenced writers and ordinary people. For example, Dr. Sternbach in Journal of Bharatiya-Vidyā, Vol. XI. (1961 pp. 221-309), shows how the Pañcatantra stories are often based on or relate to separate judicial problems of civil and criminal law as well as procedure, although it does not solve any of the problems raised. The Raghuvamśa (I. 17) states that the subjects of Dilipa did not swerve in the least from the beaten path laid down from the days of Manu. In Raghuvamśa XIV. 67 Kālidāsa says that Manu laid down that the Dharma of a king was to safeguard varṇas and āśramas (vide Manusmṛti VII. 35). The drama Mṛcchakaṭika (Act IX) shows that a Brāhmaṇa guilty of murder was not to be sentenced to death and the judge refers to the dictum of Manu (probably Manusmṛti VIII. 380) to that effect.

In ancient times the number of smṛtis (i. e. works on dharmaśāstra) must have been very small. Gautama mentions by name no smṛtikāra except Manu, though he speaks of dharmaśāstras (XI. 19). Baudhāyana names seven (besides himself) authors on dharma, viz. Aupajāṅghani, Kātya, Kāśyapa, Gautama, Prajāpati, Maudgalya and Hārīta. Vasiṣṭha names only five authors, Gautama, Prajāpati, Manu, Yama and Hārīta. Āpastamba mentions a large number, viz. ten, some of whom like Eka, Kuṇika and Puṣkarasādi are no more than mere names to us. Manu speaks of only six (besides himself) viz. Atri, the son of Utathya, Bhṛgu, Vasiṣṭha, Vaikhāṇasa (or rather Vikhanas) and Śaunaka. But in all these works the writers are mentioned only casually and there is no regular enumeration or list of writers on dharma in one place. Aparārka quotes (p. 7) a sūtra of Gautama (not found in the printed G. Dh. S.) in which sixteen authors of dharmaśāstras including himself are enumerated.<sup>309</sup> The

309 अत्र गौतमः । स्मृतिर्धर्मशास्त्राणि तेषां प्रणेताः मनुनिःशुद्धाङ्गिरोत्रबृहस्पत्युत्रात्र  
आपस्तम्बगौतमसंवत्तत्रेयकाः यायनश्च । लिखितं राशरव्यासशतातपश्चेतीश्वर-  
त्वयादयः ।



same sūtra with slight variations is ascribed to Śaṅkha-Likhita in the Viramitrodaya (Paribhāṣā-prakāśa p. 16). Yājñavalkya is probably the earliest writer who enumerated in one place (I. 4-5) twenty expounders of dharma (including himself and counting Śaṅkha and Likhita as two distinct persons). It will be noticed that Yāj. omits Baudhāyana. Parāśara also gives a list of 19 expounders of dharma (excluding himself), but his list differs slightly from that of Yāj. Parāśara omits Bṛhaspati, Yama and Vyāsa and adds Kāśyapa, Gārgya and Pracetas. The Tantra-vārtika (p. 125) of Kumārila speaks of eighteen dharmasamhitās. Viśvarūpa quotes a verse of Vṛddha-Yājñavalkya, who adds ten names to the list of Yājñavalkya (vide note 262 above).<sup>310</sup> The Caturviṃśatimata is a work which professes to give the views of 24 sages on dharmaśāstra, viz. all those listed by Yāj. (except Kātyāyana and Likhita) and six more, viz. Gārgya, Nārada, Baudhāyana, Vatsa, Viśvāmitra, Śaṅkha (Śaṅkhyāyana?). Āṅgīras as quoted in the Smṛticandrikā (I. p. 1), Hemādri (Dānakhaṇḍa p. 528), the Sarasvatīvilāsa (p. 13) and other works mention Upasṛtis.<sup>311</sup> There is a smṛti called Ṣaṭtriṃśanmata quoted by the Mit., Aparārka and other works. Paithīnāsi as quoted in the Smṛticandrikā, the Saṃskāramayūkha and other works enumerates 36 smṛtis.<sup>312</sup> Aparārka says that the Bhaviṣyatpurāṇa speaks of 36 smṛtis and

310 वक्तारो धर्मशास्त्राणां मनुर्विष्णुर्यमोद्गिराः । वसिष्ठदक्षमवर्तशातातपपराशराः ॥  
आपस्तम्बोशनोव्यासाः कात्यायनबृहस्पती । गौतमः शङ्खलिखितौ हारीनोत्रिरहं  
तथा ॥ याज्ञ. I. 4-5 (Trivandrum ed.). The Mit. reads the two  
verses differently though the names are the same

311 नारदः पुलहो गार्ग्यः पुलस्त्यः शौनकः क्रतुः । बौधायनो जातुकर्णो विश्वामित्रः  
पितामहः ॥ जाबालिर्नाचिकेतश्च स्कन्दो लौगाक्षिकश्यपौ । व्यासः सनत्कुमारश्च  
शन्तनुर्जनकस्तथा ॥ व्याघ्रः कात्यायनश्चैव जातूकर्ण्यः कपिञ्जलः । बौधायनश्च  
काणादो विश्वामित्रस्तथैव च ॥ पैथीनसिर्गोभिलश्चेत्युपस्मृतिविधायकाः ॥ quoted  
as from प्रयोगपरिजात by वीरमित्रोदय (परिभाषाप्र. p. 18). The  
वीर adds that these upasṛtis were enumerated by the Madana-  
ratna also.

312 ते गं मन्वङ्किरोव्यासगौतमाव्युशनोयमाः । वसिष्ठदक्षसंवर्तशातातपपराशराः  
विश्वामित्रास्तम्बहारीता शङ्खः कात्यायनो गरुः । प्रचेता नारदो योगी बौधायनः  
पितामहौ ॥ सुमन्तुकाश्यपौ बभ्रुः पैथीनो व्याघ्र एव च ॥ सत्यव्रतो भरद्वाजो

(Continued on the next page)



his enumeration of them is slightly different from that of Paithīnasi.<sup>313</sup> The Vṛddhagautamasmṛti (Jivananda part II. pp. 498-499) gives a list of 57 dharma-śāstras. The Prayoga-pārijāta as quoted in the Vīramitrodaya enumerates 18 principal smṛtis, 18 upasmṛtis and 21 other smṛtikāras.<sup>314</sup> If all the smṛtis cited in the later nibandhas such as the Nirṇayasindhu, the Mayūkhas of Nilakaṇṭha and the Vīramitrodaya be taken into account, the number of smṛtis will be found to be about 100.

The smṛtis thus relied upon are the products of different and widely separated ages. Some of them are entirely in prose or in mixed prose and verse, while the large majority are in verse. A few of them are very ancient and were composed centuries before the Christian era. Such are the dharma-sūtras of Gautama, Āpastamba, Baudhāyana, and the Manusmṛti. Some were composed in the first centuries of the Christian era such as the smṛtis of Yājñavalkya, Parāśara, Nārada. Most of the smṛtis other than the above fall between the period from 400 A. D. to 1000 A. D. The chronology of all these smṛtis presents perplexing problems. Some of the metrical smṛtis are remodellings of older sūtras as in the case of Śaṅkha. There are sometimes as many as two or three

(Continued from the previous page)

गार्ग्यः कार्णार्जिनिस्तथा ॥ जाबालिर्जमदग्निश्च लौगाक्षिर्ब्रह्मसंभवः । इति धर्म-  
प्रणेतारः षट्त्रिंशद्वयः स्मृताः ॥ quoted in the स्मृतिचन्द्रिका and संस्कार-  
मयूख.

313 ताश्च मनुविष्णुयमदक्षाङ्गिरोत्रिवृहस्पत्युशनापस्तम्बवसिष्ठकाल्यायनपराशरव्यास-  
शङ्खलिखितसंवर्तगौतमशातातपहारीतयाज्ञवल्क्यप्रचेतोबुधदेवलसोमजमदग्नि-  
विश्वामित्रप्रजापतिनारदपैठीनसिपितामहबौधायनछागलेयजाबालिच्यवनमरीचि-  
कश्यपा इति षट्त्रिंशदेव स्मृत्यन्तरे पठिताः । अपराकं p. 7.

314 The 18 principal स्मृतिकार<sup>s</sup> according to the प्रयोगपारिजात are—मनु,  
बृहस्ति, दक्ष, गौतम, यम, अङ्गिरस्, योगीश्वर, प्रचेतस्, शातातप, पराशर,  
संवर्त, उशनस्, शङ्ख, लिखित, अत्रि, विष्णु, आपस्तम्ब, हारीत. The उप-  
स्मृति<sup>s</sup> have been enumerated above (in n. 311). The other 21  
smṛtis are: वसिष्ठो नारदश्चैव सुमन्तुश्च पितामहः । विष्णुः कार्णार्जिनिः  
सत्यव्रतो गार्ग्यश्च देवलः ॥ जमदग्निर्भारद्वाजः पुलस्त्यः पुलहः क्रतुः । अत्रियश्च  
गवेयश्च मरीचिर्वस एव च ॥ पारस्करश्चर्यशृङ्गो वैजवापस्तथैव च । अत्रियश्च  
स्मृतिकर्तार एकविंशतिरीरिताः ॥ वरि०, परिभाषाप्र० p. 18.



different smṛtis going under the same name, e. g. Śātātapa, Hārīta, Atri. Then the confusion is worse confounded by the fabrications of sectarian zeal, such as the Hārītasṁṛti which is full of Vaiṣṇavite teachings. There are several works going under the names of well-known smṛtikāras with the prefixes Vṛddha, Br̥hat, Laghu. In many cases the works going under these names are different from the smṛtis that are without these prefixes and this differentiation took place at a very early date in certain cases; for example, so early a writer as Viśvarūpa distinguishes between Yājñavalkya and Vṛddha-Yājñavalkya, Gārgya and Vṛddha-Gārgya. Similarly, Viśvarūpa quotes (on Yāj. I. 69) Vṛddha-Manu and (on Yāj. I. 19) Vṛddha-Vasiṣṭha, which latter probably was different from the Vasiṣṭhadharmasūtra, as the latter does not contain the details given by Viśvarūpa.<sup>315</sup> In some cases the works designated Vṛddha or Br̥hat are larger and in all cases later than the works without those prefixes. For example, *vide* Parāśara and Br̥hat-Parāśara (Jivananda part II. pp. 53-309), Gautama and Vṛddha-Gautama (Jivananda part II. pp. 497-638). Some of the works with the prefix Vṛddha are versified compilations of prose works e. g. Mit. on Yāj. III. 267 quotes a verse from Vṛddha-Viṣṇu which is merely the versified equivalent of Viṣṇu-dharmasūtra chap. 50. 6, 12-14. It appears that sometimes the same work is cited with the prefix Vṛddha or Br̥hat, e. g. the Mit. on Yāj. II. 135 quotes a passage from Br̥had-viṣṇu which is the same as the Viṣṇudharmasūtra 17. 4-7.

As most of the writers quote from memory and had recourse to mss. and not to standard editions, even well-known verses are ascribed to different authors in different works. The verses 'bhrātrṇām-aprajāḥ' &c. which are quoted as Nārada's (Nārada 16. 25-26) in the Vyavahāramayūkha are attributed to Śaṅkha in the Madanapārijāta (p. 680). The three verses about *bandhus* are ascribed to Baudhāyana by Mādhava and to Vṛddhaśātātapa by the Madanapārijāta (p. 674).

In spite of all these drawbacks, an attempt will be made in the following pages to arrange some of the leading versified smṛtis in chronological order beginning from the Manusmṛti.

315 वृद्धवासिष्ठेयवमेव मध्ये सौम्यमिति तु विशेषः. *Vide* वसिष्ठध. सू. III. 64-68 for the five तीर्थे on one's hand,

All these *smṛtis* are not equal in authority. Most of them are obscure and are only rarely cited by ancient commentators. Exclusive of the *dharmasūtras* hardly a dozen *smṛtis* have found commentators. If we are to judge of the authority of a *smṛti* by the commentaries thereon, then the *Manusmṛti* stands pre-eminent. Next to it is the *Yājñavalkyasmṛti*.

### 31. The Manusmṛti

So many editions of this work have been published in India since 1813 (when the *Manusmṛti* was first published at Calcutta), that it is not possible to name them. In this work the *Nirṇayasāgara* edition with the commentary of Kullūka has been used throughout. Another edition of *Manu* well known on this side of India is that of the late V. N. Mandlik, who published several commentaries such as those of *Medhātithi*, *Govindarāja* and others. The *Manusmṛti* has been translated into English several times. The best known translation is that of Dr. Bühler in the S. B. E. series (vol. 25). Dr. Bühler also added an exhaustive and very scholarly introduction to his translation and dealt with numerous problems connected with the *Manusmṛti*.

In the *Ṛgveda* the *ṛsis* often speak of *Manu* as 'father' (in *Ṛg.* I. 80. 16, I. 114. 2, VIII. 63. 1) without expressly saying 'of whom.' But in *Ṛg.* II. 33. 13 the sage speaks of *Manu* as 'our father' (*Yāni Manur-avṛṇitā pitā naḥ*). The word *Manu* in several cases (from the nominative to the locative) and in compound words like '*Manu-jāta*,' '*Manu-pritāsah*' and '*Manur-hita*' occur hundreds of times. In *Ṛg.* VIII. 30. 3 the prayer is 'O Gods! May you protect us, help us, speak in our favour, may you not lead us far from the ancestral path of *Manu*.' In *Ṛg.* I. 36. 19 the poet says 'O Agni! *Manu* established you as a light for the people.' The gods are often referred to as those to whom *Manu* offered sacrifices (as in *Ṛg.* V. 35. 15, VIII. 30. 2, X. 36. 10, X. 65. 14). In *Ṛg.* VIII. 23. 17 it is said '*Kāvya Uśanas* is said to have established *Agni* for *Manu*.' In *Ṛg.* VIII. 98. 6 *Indra* is spoken of as the shatterer of many cities (of the *asuras*), as the killer of *dasyu* and as bringing prosperity to *Manu* and as the lord of Heaven. The two *sūktas* (*Ṛg.* X. 61 and 62) are ascribed in the *Anukramanī* to *Nābhānediṣṭha*, son of *Manu*, the refrain in the first four verses being 'O intelligent (*Angirases*) accept

me, the son of Manu, as officiating priest). It may be noted that Nābhānediṣṭha is mentioned in Rg. X. 61. 18 and described as desirous (of securing cows) and as praying loudly (Nābhānediṣṭho rapati pra venan). In Rg. X. 62. 4 he is referred to as 'ayam Nābhā' and in X. 62 Sāvanya or Sāvanyī is said to be Manu (verse 11). In many of the verses of the Rg. in which the word Manu occurs, commentators and translators often hold that the word Manu stands for 'Manusya' (and not merely for Manu as an individual). But it is clear that in some Rgveda verses at least Manu must be taken as an individual sage; e. g. in Rg. I. 112. 16 a prayer is made to the Aśvins to come with help as they did in the past ages (purā) in the case of Śayū, Atri and Manu. Similarly, in I. 80. 16 reference is made to the sacrifice offered and the sacred verses recited by Atharvan, father Manu and sage Dadhyañ in past ages (pūrvathā). The ṛṣi of Sūktas 27-31 of Rg. VIII is said in the Anukramaṇi to be Manu Vaivasvata and Manu is mentioned in VIII. 27. 4 and 14, in VIII. 30. 2 (thirty-three gods are said to have been offered worship by Manu). On the two hymns (Rg. X. 61 and 62) the Ait. Br. (22. 9) tells the story of Nābhānediṣṭha, son of Manu, who was excluded from a share in the paternal wealth by his brothers and explains the refrain 'pratigrbhūta mānavam sumedhasaḥ' (in X. 62) as relating to that story.

It is impossible in the short space that can be spared to dilate at length on Manu as delineated in Sanskrit literature from the early Vedic times onwards. He is regarded in the early literature sometimes as the father of the human race (so far at least as India is concerned), as one of the very ancient sages, as having brought (or established) Fire, as a semi-divine being who received from God himself the laws and regulations, as a king in the Kṛta yuga (Āśvamedhika-parva 4. 2), as the author of a work on Arthaśāstra (Drona-parva 7.1). The Manusmṛti (VII. 42) itself states that Manu became king by his disciplined behaviour (vinaya).

In the Taittiriya Saṃhitā and the Tāndya-mahā-brāhmaṇa it is said 'whatever Manu said is medicine'.<sup>816</sup> Taittiriya-Saṃhitā (II. 1. 5. 6) also says that mankind is Manu's

816 यद्वै किं च मनुस्वस्तद्वेषजम् । तै. सं. ३१. २. १०. २; 'मनुर्वै यद्विषयवस्तद्वेषजं भेषजतायै' ताण्ड्य० २३. १६. १७.





(Mānavyo hi prajāḥ). In the Taittiriya Saṁhitā (III. 1. 9. 4-5) and the Aitareya Brāhmaṇa (V. 14) we have the story of Manu dividing his wealth among his sons and of the exclusion of his son Nābhānediṣṭha. The Śatapatha-brāhmaṇa (S. B. E. vol. 12 p. 216) gives us the story of Manu and the deluge. In the Nirukta (chap. III) there is a discussion about the rights of sons and daughters. One of the views there propounded is that children of both sexes take their father's wealth and a *rik* and śloka are cited in support of that position.<sup>317</sup> The śloka refers to the opinion of Manu Svāyambhuva. It is noteworthy that that śloka is opposed to a *rik*, which means that the śloka is not Śruti but is Smṛti. So before Yāska wrote there were smṛti texts in verse in which Manu was spoken of as a lawgiver. We have seen how Gāṇḍīya and Vasiṣṭha quote the views of Manu and how Āpastamba connects Manu with the promulgation of śrāddhas (II. 7. 16. 1). The Mahābhārata in numerous places speaks of Manu, sometimes as Manu simply, sometimes as Svāyambhuva Manu (Śānti 21. 12) and also as Prācetaso Manu (Śānti 57. 43). In the Mahābhārata (Śānti. chap. 336. 38-46) we are told how the Supreme Being composed a hundred thousand ślokas on *dharma*, how Manu Svāyambhuva promulgated those *dharma*s and how Uśanas and Brhaspati composed *śāstras* based on the work of Manu Svāyambhuva.<sup>318</sup> In another place the account is slightly different and Manu does not figure therein. Śānti-parva (chap. 59. 80-85) describes how the original work of Brahmā on the three, *Dharma*, *Artha*, and *Kāma*, in 100000 chapters was successively reduced to 10000, 5000, 3000 and 1000 chap. respectively by Viśālākṣa, Indra, Bāhudantaka, Brhaspati and Kāvya (Uśanas). The prose introduction to the Nārada-smṛti says that Manu composed in 100000 ślokas, 1080 chap. and 24 *prakaraṇas* a Dha-

317 अविशेषेण मिथुनाः पुत्रा दयादा इति । तदेतद्वृत्तलोकान्यामुक्तम् । अज्ञादज्ञा-  
त्संभवसि हृदयादधिजायसे । आत्मा वै पुत्रनामासि स जीव शरदः शतम् ॥  
इति । अविशेषेण पुत्राणां दायो भवति धर्मतः । मिथुनानां विसर्गादौ मनुः  
स्वायंभुवोऽब्रवीत् ॥

318 ऋषीनुवाच तान्सर्वानिदृश्यः पुरुषोत्तमः । कृतं शतसहस्रं हि श्लोकानामिदमुत्तमम् ॥  
लोकतन्त्रस्य कृत्स्नस्य यस्माद्धर्मः प्रवर्तते । ... तस्मात्प्रवक्ष्यते धर्मान् स्मृत-  
स्वायंभुवः स्वयम् । ... स्वायंभुवेषु धर्मेषु शास्त्रे चोशनसे कृते । बृहस्पतिमपि चैव  
लोकेषु प्रतिचारिते ॥

ṛmasāstra and imparted it to Nārada, who abridged it into 12000 verses and taught it to Mārkaṇḍeya, who in his turn compressed it into 8000 ślokas and passed it on to Sumati Bhārgava, who again reduced it to 4000 ślokas. The Nārada-smṛti then gives the first verse<sup>319</sup> of that work which is a combination of the extant Manu I. 5-6 and says that vyavahāra was the 9th prakaraṇa out of 24 in the original work of Manu. It will be noticed how this version differs from that of the Mahābhārata wherein Nārada is altogether ignored. The extant Manusmṛti ( I. 32-33 ) narrates how from Brahmā sprang Virāj, who produced Manu, from whom were born the sages including Bhṛgu and Nārada, how Brahmā taught the śāstra to Manu, who in his turn imparted it to the ten sages ( I. 58 ), how some great sages approached Manu and sought instruction in the dharmas of the varṇas and the intermediate castes and how Manu told them that his pupil Bhṛgu would impart to them the śāstra ( I. 59-60 ). This appearance is kept up throughout the work. The sages interrupt Bhṛgu's discourse in several places ( as in V. 1-2 and XII. 1-2 ). Manu is said to be omniscient ( II. 7 ) and Manu is mentioned by name dozens of times in the work with the words " Manurāha " ( IX. 158, X. 78 etc. ), or " Manur-abravid " or " Manor-ṇuśāsanam " ( VII. 139, 279, IX. 239, etc. ). That the introductory words in the Nārada-smṛti are not spurious or a later addition follows from the remark of Medhātithi that, according to the Naradasmṛti, Prajāpati composed a work in 100000 ślokas which was abridged by Manu and others.<sup>320</sup> No one should take very seriously these varying accounts even in the Mahābhārata and in the Naradasmṛti, as they are intended to glorify some particular text or texts. According to the Bhaviṣya-purāṇa as quoted in Hemādri, the Samskāra-mayūkha and other works, there were four versions of the Svāyambhuva śāstra composed by Bhṛgu, Nārada, Bṛhaspati

319 तत्रायमाद्यः श्लोकः । आसीदिदं तमोभूतं न प्राज्ञायत किंचन । ततः स्वयं-  
भूर्भगवान्प्रादुरासीच्चतुर्मुखः ॥. Manu I. 5 is quoted as the verse of a  
स्मृतिकार by कमलशील in his comment on शान्तरक्षित'<sup>१</sup> तत्त्वसंग्रह  
( कारिका 3118 ) in the middle of the 8th century A. D. Vide  
सुरेश्वर'<sup>२</sup> बृहदारण्यकभाष्यवार्तिक p. 487.

320 नारदश्च स्मरति । शतसाहस्रो ग्रन्थः प्रजापतिना कृतः स मन्वादिभिः कृतः  
संक्षिप्त इति । मेधातिथि on मनु. I. 58.

and Agirasa.<sup>321</sup> So early a writer as Viśvarūpa cites verses from Manusmṛti as those of Svayambhū (vide com. on Yāj. II. 73, 74, 83, 85, where Manu 8. 68, 70-71, 380 and 105-6 are respectively quoted as Svayambhū's), while quotations from Bhṛgu cited by Viśvarūpa (on Yāj. I. 187 and 252) are not found in the Manusmṛti. In the same way most of the verses quoted from Bhṛgu by Aparārka are not found in the Manusmṛti. One verse which Aparārka quotes from Bhṛgu (on Yāj. II. 96) speaks of the view contained therein as that of Manu.<sup>322</sup>

It is almost impossible to say who composed the Manusmṛti. It goes without saying that the mythical Manu, progenitor of mankind even in the Ṛgveda, could not have composed it. What motives could have induced the unknown author to palm it off in the name of the mythical Manu and to suppress his identity it is difficult to say. One motive may have been to invest the work with a halo of antiquity and authoritative-ness. Bühler following Max Müller says (SBE vol. 25 p. XVIII) that the Manusmṛti is based on or is a recast of an ancient dharmasūtra, viz. that of the Mānavacarana. The question whether the Mānavadharmasūtra existed has been discussed above (sec. 13, pp. 141-149). Bühler himself candidly admits (SBE vol. 25, p. XXIII) that the recovery of the writings of the Mānavas has not only not furnished any facts in support of the alleged relation between the Mānavadharmasūtra and the Manusmṛti, but on the contrary has raised difficulties, as the doctrines of the Mānavagrhyasūtra (edited by Dr. Knauer) differ very considerably from those of the Manusmṛti. To take only a few examples: Mānava Gr. S. II. 12. 1-2 are opposed to Manu 3. 1; Mānava Gr. S. I. 4. 7 to Manu 4. 95; Mānava Gr. S. I. 20. 1 to Manu 2. 34; Mānava Gr. S. I. 21. 1 to Manu 2. 35; Mānava Gr. S. I. 22. 1 to Manu 2. 36; Mānava Gr. S. II. 12. 1-2 to Manu 3. 84-86. Besides, there is nothing in our Manu corresponding to the Vināyakaśānti in the Mānavagrhyasūtra (II. 14) nor to the tests for selecting a bride prescribed in Mānava Gr. S. I. 7. 9, which corresponds to

321 भार्गवीया नास्दीया च बार्हस्पत्याङ्गिरस्यपि । स्वायंभुवस्य शास्त्रस्य चतुर्वर्गः  
संहिता मताः ॥ चतुर्वर्गः, दानखण्ड p. 528, संस्कारमयूख p. 2.

322 वेपु पापेषु दिव्यानि प्रतिशुद्धानि यत्नतः । कारयेत्सज्जनैस्तानि  
सज्जेन्मनुः ॥ अपराक.



Āśvalāyana Gr. S. I. 5. 5-6. Dr. Caland points out (R. und S. p. 17) that, though single verses of the Manusmṛti tally with the Śrāddhakalpa of the Mānava School, yet the descriptions of funeral rites widely differ in the two works. There are no doubt some parallels as pointed out by Bradke (in ZDMG, vol. 36, pp. 417-477). There is one circumstance about the authorship of the Manusmṛti that deserves to be noted. The Mahābhārata<sup>323</sup> seems to distinguish between Svāyambhuva Manu and Prācetas Manu. The former is said to be the promulgator of dharmaśāstra and the latter of arthaśāstra (or politics). For example, Śānti 21. 12 speaks of Svāyambhuva Manu and Śānti 57. 43 and 58. 2 speak of *prācetas* as an author on *rājaśāstra* or *rājadharmā*. In some places Manu alone without any epithet is associated with *rājadharmā* or *arthavidyā*. It is not unlikely that originally there were two distinct works, one on dharma and the other on arthaśāstra, attributed to Manu. When the Kauṭīliya speaks of the Mānavas, it probably refers to the work on politics attributed to Prācetas Manu. It is extremely doubtful whether Rājaśekhara, when he mentions the several views on the number of vidyās (including that of the Mānavas, that they were three), had the Arthaśāstra of the Mānavas before him or only copied a passage from Kauṭīliya (vide Kāvya-mīmāṃsā p. 4). It is not unlikely that the work on *dharma* attributed to Manu may have contained general directions on the duties of kings. It is therefore (i. e. because there were two different works on dharma and arthaśāstra attributed to Manu) that the views ascribed to the Mānavas by the Kauṭīliya are not found word for word in the extant Manusmṛti. One may hazard the conjecture that the author of the Manusmṛti, whoever he might have been, combined in his work the information contained in the two works on *dharma* and *arthaśāstra* and supplanted both the earlier works and that this result had not been either accomplished at the time when the Kauṭīliya was composed or was then quite recent. In the extant Manusmṛti, the work is ascribed to Svāyambhuva Manu and then six other Manus, of whom Prācetas is not one, are enumerated (I. 62).

323 अभ्रौषीस्त्वं राजधर्मान्यथा वै मनुब्रवीत् । वनपर्व 35. 21; वेदं वेदादमर्थविद्यां च मानवीम् ॥ द्रोणपर्व 7. 1.



The extant Manusmṛti is divided into twelve *adhyāyas* and contains 2694 ślokas. Dr. Jolly's edition (published in 1895) prepared after collating numerous mss. and printed editions contains only one śloka more. The Manusmṛti is written in a simple and flowing style. It generally agrees with Pāṇini's system, though it contains some deviations from it as in the verse 'sāksinah santi metyuktivā' (8. 57). The foregoing pages have sufficiently shown how it agrees closely with the doctrines contained in the Dharmaśāstras of Gautama, Baudhāyana, Āpastamba. We have also seen how numerous verses are common to the dharmaśāstras of Vasistha and Viṣṇu and the Manusmṛti. The Kauṭiliya also exhibits remarkable agreement with the Manusmṛti in phraseology and doctrines.<sup>324</sup> What conclusions are to be drawn from this will be discussed later on. Some verses are repeated, e. g. V. 164-165 are the same as IX. 30 and 29. The contents of the Manusmṛti may be briefly summarised as follows :— ( I ) Sages approach Manu for instruction in the *dharma*s of the *varṇas*; Manu describes the creation of the world from the self-existent God more or less in the Sāṅkhya manner; the creation of Virāḍ, of Manu from Virāḍ, of ten sages from Manu; creation of various beings, men, beasts, birds etc.; Brahmā imparts Dharmaśāstra to Manu, who teaches the sages; Manu bids Bhṛgu to instruct the sages in *dharma*; six other Manus sprang from Svāyambhuva Manu; units of time from *nimeṣa* to year, the four *yugas* and their twilights; one thousand *yugas* equal a day of Brahmā; extent of *manvantara*; *pralaya*; successive decline of *dharma* in the four *yugas*; different *dharma*s and goals in the four *yugas*; the special privileges and duties of the four *varṇas*; eulogy of Brāhmaṇas and of the *śāstra* of Manu; *ācāra* is the highest *dharma*; table of contents of the whole *śāstra*; ( II ) definition of *dharma*, sour-

324 Compare अलब्धलाभार्था लब्धपरिरक्षणी रक्षितविवर्धनी वृद्धस्य तीर्थेषु प्रतिपादनी च । कौटिल्य ( I. 4 ) with मनु 7. 101 अलब्धमिच्छेदण्डेन लब्धं रक्षेदेवेक्षया । रक्षितं वर्धयेद्बुद्ध्या वृद्धं पात्रेषु निक्षिपेत् ॥ ; 'तस्माल्लोक-यात्रार्थी नित्यमुद्यतदण्डः स्यात्' कौटिल्य ( I. 4 ) with मनु 7. 162 नित्यमुद्यतदण्डः स्यात् ; 'असंभाष्ये देशे साक्षिभिर्मिथः संभाष्यते' कौटिल्य ( III. 1 ) with मनु 8. 55 'असंभाष्ये साक्षिभिश्च देशे संभाष्यते मिथः' ; 'साक्षि-मन्वयवत्प्रसभकर्म' कौटिल्य ( III. 17 ) with मनु 8. 332 'स्यात्साक्षि-त्वमन्वयवत् प्रसभं कर्म यत् कृतम्' ;



ces of *dharma* are Veda, smṛti, ācāra of the good, one's own satisfaction ; who has *adhikāra* for this *Sāstra* ; limits of Brah-māvarta, Brahmarṣideśa, Madhyadeśa, Āryāvarta ; why saṁ-skāras are necessary ; such *saṁskāras* as *jātakarma*, *nāmadhe-ya*, *cūdākarma*, *upanayana* ; the proper time of *upanayana* for the *varṇas*, the proper girdle, sacred thread, staff and skin for the Brahmacārī of the three *varṇas* ; duties of the Brahma-cārī and his code of conduct ; ( III ) Brahmacarya for 36, 18, 9 years ; *samāvartana* ; marriage ; marriageable girl ; Brāhmaṇa could marry a girl of any of the four *varṇas* ; eight forms of marriage defined ; which form suited to which caste ; duties of husband and wife ; eulogy of women ; the five daily *yajñās* ; praise of the status of householder ; honouring guests ; *madhu-parka* ; *śrāddhas* ; who should not be invited at *śrāddhas* ; ( IV ) mode of life and means of subsistence for a house-holder, the code of conduct for a *snātaka* ; occasions for cessation from study ; rules about prohibited and permissible food and drink ; ( V ) what vegetables and meat are allowed ; period of impurity on death and birth ; definition of *sapinda* and *samā-nodaka* ; purification from contact with various substances in various ways ; duties of wife and widow ; ( VI ) when one should become a forest hermit ; his mode of life ; *parivrājaka* and his duties ; eulogy of *grhastha* ; ( VII ) *rājadharmas*, eulogy of *daṇḍa* ( the power to punish ) ; the four *vidyās* for a king ; the ten vices of kings due to *kāma* and eight due to *krodha* ; constitution of council of ministers ; qualities of a *dūta* ; forts and capital ; *purohita* and superintendents of various departments ; code of war ; the four expedients, *sāma*, *dāna*, *bheda*, and *daṇḍa* ; hierarchy of officers from the village headman upwards ; rules about taxation ; the constitution of a circle of twelve kings ; the six *guṇas*, peace, a state of war, march against an enemy, *āsana*, taking shelter and *dvaidha* ; duties of victor ; ( VIII ) king's duty to look to the admini-stration of justice ; the 18 titles of law ; the king and judge ; other persons as judges ; constitution of *sabha*, king's duty to look after minors, widows, helpless people ; treasure trove ; king's duty to restore stolen wealth ; creditor's means of reco- vering his debt ; grounds on which the claimant may fail in his suit : qualifications of witnesses ; who were not proper persons as witnesses ; oaths ; fines for false witnesses ; methods of corporal punishment ; Brāhmaṇa to be free from corporal punishment ; weights and measures ; lowest, middling and





highest fines ; rates of interest ; pledges ; adverse possession does not affect a pledge, boundary, minor's estate, deposit, king's estate etc. ; rule of *dumdupat* ; sureties ; what debts of the father the son was not liable to pay ; fraud and force vitiated all transactions ; sale by one not the owner ; title and possession ; partnership ; resumption of gift ; non-payment of wages ; violation of conventions ; rescission of sale ; dispute between owner and herdsman ; pastures round villages ; boundary disputes ; abuse, libel and slander ; assault and battery and mischief ; whipping only on the back ; theft ; *sāhasa* i. e. offences in which force and hurt are an element, such as robbery, homicide etc. ; right of private defence ; when even a Brāhmaṇa may be killed ; adultery and rape ; no sentence of death, but of transportation for a brāhmaṇa ; parents, wife, children must not be forsaken ; tolls and monopolies ; seven kinds of *dāśas* ; ( IX ) legal duties of husband and wife ; censure of women ; eulogy of chastity ; to whom does the child belong, to the begetter or to him on whose wife it is begotten ; *niyoga* described and condemned ; supersession of the first wife when allowed ; age of marriage ; partition, its time, eldest son's special share ; *putrikā* ; daughter's son ; adopted son ; rights of brāhmaṇa's son from a śūdra wife ; twelve kinds of sonship ; to whom piṇḍas are offered ; nearest *sapiṇḍa* succeeds ; *sakulya*, teacher and pupils as heirs ; king ultimate heir except as to brāhmaṇa's wealth ; varieties of *strīdhana* ; succession to *strīdhana* : grounds of exclusion from inheritance ; property not liable to partition ; gains of learning ; re-union ; mother and grandmother as heirs ; impartible property ; gambling and prize-fighting must be suppressed by the king ; the five great sins ; *prāyaścittas* for them ; open and secret thieves ; jails ; the seven *aṅgas* of a kingdom ; duties of Vaiśya and Śūdra ; ( X ) Brāhmaṇa alone to teach ; mixed castes ; *mlecchas*, Kāmbojas, Yavanas, Śakas ; rules of conduct common to all ; privileges and duties of the four *varṇas* ; modes of subsistence for a brāhmaṇa in adversity ; what articles should not be sold by brāhmaṇa ; seven proper modes of acquisition and the means of livelihood ; ( XI ) eulogy of gifts ; different views about *prāyaścitta* ; various seen results, diseases and bodily defects due to sins in former lives ; five mortal sins and *prāyaścittas* for them ; upapātakas and *prāyaścittas* for them ; *prāyaścittas* like Sāntapana, Parāka, Cāndrāyana ; holy *mantras* for removing sin ; ( XII ) disquisition on *karma* ; kṣetrajña, *bhūtātma* ;



*jiva* ; tortures of hell ; the three *guṇas*, *sattva*, *rajas* and *tamas* ; what brings about *niḥśreyasa* ; knowledge of the Self is the highest means of bliss ; *pravṛtta* and *nivṛtta karma* ; the latter is karma done without an eye to reward ; eulogy of Vedas ; place of *turka* ; *śiṣṭas* and *pariṣad* ; reward of studying the Mānava śāstra.

The extent of the literature known to Manu was considerable. He mentions the three Vedas and the Atharvaveda is spoken of as the Atharvāṅgirasī Śruti ( XI. 33 ). He refers to Āraṇyaka ( IV. 123 ). The Vedāṅgas are said to be six ( III. 185 ) and they are often referred to without stating the number ( II. 141, IV. 98 ). He speaks of dharmaśāstra ( II. 10 ) and also knew many dharmaśāstras ( III. 232 ). By dharmapāṭhaka ( XII. 111 ) he probably means one who has studied dharmaśāstras. He mentions several authors on dharmaśāstra, viz. Atri, the son of Utathya ( i. e. Gautama according to commentators ), Bhṛgu and Śaunaka ( all these in III. 16 ), Vasistha ( on the rate of interest in VIII. 140 which agrees with Vasisthadharmasūtra II. 50 ), Vaikhāṇasa-mata ( in VI. 1 ). He mentions Ākhyānas, Itihāsa, Purāṇas and Khilas ( III. 232 ). He speaks of *brahma* as described in the Vedānta ( in IV. 83 and 94 ) and is probably thinking of the Upaniṣads. That he knew some generally accepted works opposed to the teaching of the Vedas is quite clear from his reference to ' Vedabāhyāḥ smṛtayaḥ ' ( XII. 95 ). He is probably referring to the writings of the Bauddhas, Jainas and others. He speaks of heretics and their guilds ( IV. 30 and 61 ). He refers to atheism and calumny of the Vedas ( IV. 163 ) and of various tongues spoken among men ( IV. 332 ). He frequently refers to the views of others in the words " kecit " in III. 53, 261, IX. 32, ' eke ' in X. 10, XI. 45, ' apare ' and ' anye ' in III. 261. In IX. 49 Manu refers to Gāthās of Vāyu and it appears that at least verses IX. 43-45 are quotations. Yoga had been well developed at the time of the Manu-smṛti. In Manu VI. 70 it is laid down that even three *Prāṇāyāmas* when accompanied by Omkāras and the Vyāhrtis constitute the highest *tapas* and that by *prāṇāyāma* all the aberrations of the senses ( including the mind ) are destroyed. In VI. 72 are briefly indicated the results of *Prāṇāyāma*, *Pratyāhāra* ( withdrawal of the sense organs from the objects of sense ), *Dhāraṇā* ( the holding of the mind to a certain spot or a certain point such as the tip of one's nose )

and *Dhyāna* (contemplation) i. e. one-pointedness of the apprehension of the object contemplated upon. *Vide* H. of Dh. Vol. V. pp. 1444-49 for explanation of *Pratyāhāra*, *Dhāraṇā*, *Dhyāna*. The word *Dhyānayoga* occurs in *Manu* VI. 73 and 79 and it is stated that by *dhyānayoga*, one realizes *brahman*. The words 'Dhyānayoga,' 'Dhāraṇā' and others occur in some of the *Upaniṣads* as illustrated in the note<sup>325</sup> below. The *Yogasūtra* is not later than the 2nd or 3rd century A. D.; vide H. of Dh. vol. V, pp. 1395-98, but the *Upaniṣads* had developed much of the yoga technique centuries before the *Yogasūtras* and the *Manusmṛti* is based on the *Upaniṣads* and not on the *Yogasūtra*.

Numerous interesting and difficult problems are connected with the *Manusmṛti*. Bühler in his elaborate introduction (S. B. E. vol. 25) exhaustively deals with these problems. It is not possible to go at great length into those questions here. A separate volume would be required to deal with the problems raised by Bühler and to examine the arguments of Bühler, Hopkins and others who have written on them. Only a brief discussion of some of these problems can be attempted.

Bühler takes considerable pains to refute the claims of *Manu* to be regarded as the first legislator (S. B. E. vol. 25 pp. XXIII-XXX). But no serious refutation of the claim is really needed. The very extent of the literature known to the *Manusmṛti* and the mention of several writers on *dharmaśāstra* by name are sufficient to negative that claim.

Bühler devotes a great deal of space to the consideration of the question as to what circumstances led to the substitution of a universally binding *Mānava-dharmaśāstra* for the manuals of the Vedic schools (S. B. E. vol. 25 pp. XLVI-LVI)

325 The word ध्यानयोग occurs in the *Śvetāśvataropaniṣad* I. 3; the *मैत्रायणी Upaniṣad* (VI. 18) regards Yoga as *ṣaḍaṅga* 'प्राणायामः प्रत्याहारो ध्यानं धारणा तर्कः समाधिः षडङ्ग इत्युच्यते योगः।; तां योगमिति मन्यन्ते स्थिरामिन्द्रियधारणाम्। कठोपनिषद् VI. II; तत्सुकृतदुष्कृते ध्रुवते। तस्य प्रिया ज्ञातयः सुकृतमुपयन्ति। अप्रिया दुष्कृतम्। स एष विमुक्तो विदुष्कृतो ब्रह्म विद्वान् ब्रह्मैवाभिप्रैति। कौषीतक्युपनिषद् I. 4. *Manu* VI. 79 summarises this, employing some of the very words of that *Upaniṣad*.



and as to why the special law schools selected just the Mānavadharmasūtra among the large number of similar works for the basis of their studies (ibid. pp. LVII-LXV). Bühler then considers the question how the Mānavadharmasūtra was converted into the present Manusmṛti. Bühler concedes that the last is a problem of great difficulty and admits of an approximate solution only. The discussion of all these questions by Bühler is extremely thought-provoking and brilliant in many places, though it must be said with great respect that the arguments are often *a priori* and savour more or less of special pleading. As I question the very foundation of Bühler's edifice (viz. the actual existence of a Mānava-dharmasūtra), it would be futile for me to enter into a discussion of the problems referred to above.

Jolly in Introduction to the Viṣṇudharmasūtra (p. XXVII n. 3) admits that Manu has little in common with the Mānavagr̥hya, both in mantras and otherwise, Manu is recognised as an ancient writer on Dharmasāstra in the Dharmasūtras. Gaut. Dh. S. 21. 7 refers to Manu's view that three out of the five mortal sins (Mahāpātakas) could not be wiped out except by death (this has a counterpart in the extant Manusmṛti in XI. 89, 90, 103-4). The Āp. Dh. S. II. 6. 13. 11 refers to the tradition that Manu divided family property among his sons and also to the tradition (in II. 7. 16. 1) that Manu was the founder of the institution of Śrāddha rites. Manu is called 'Śrāddhadeva' in Brahmāṇḍa-purāṇa III. 59. 38. The Baud. Dh. S. also mentions Manu's division of property among his sons, refers to Manu's opinion that the father is a sinner if he does not arrange a marriage for his daughter within three years after her first monthly illness (IV. 1. 14) and further that the Aghamarṣaṇa hymn (R̥g. X. 190. 1-3) is declared by Manu as a penance for all sins (Baud. Dh. S. IV. 2. 19 20). This reflects Manu XI. 260. The Vas. Dh. S. in numerous places mentions 'Mānavam ślokaṁ' or simply 'Mānavam', besides verses containing words like 'Manuḥ prāha' (in XI. 23) or 'Mannr-āha prajāpatiḥ' (in Vas. XII. 16), 'abravān-manuḥ' (in Manusmṛti V. 41 and in Vas. IV. 6). This question of the relation of the Manusmṛti and Vas. Dh. S. has been dealt with at some length above (pp. 99-103).

The Purāṇas differ as to the number of Manus and their names; e. g. Vāyu (26. 32-46) and Padma V. 7. 81-115 speak of fourteen Manus, while the Viṣṇu-purāṇa III. 1. 6 ff, Brah-

māṇḍa II. 36. 3-5 name twelve Manus. Vāyu (100.53) derive the word Manu as 'Mananān-mānanāc-caiva tasmāt te Manavaḥ smṛtāḥ'. It is interesting to note that Kumārila (650-700 A.D.) asserts that there are 14 Manus.<sup>326</sup>

An extensive literature<sup>327</sup> has accumulated in modern times about Manu and the Manusmṛti, about the relation of the Manusmṛti to the Dharmasūtras, to the Mahābhārata, to the Arthaśāstra of Kauṭilya and about the development and spread of his doctrines to countries in South-East Asia. The present author has read some of it, but he cannot expatiate on all the topics about Manu in one volume of the History of Dharmaśāstra.

In ancient times it was held to be the king's duty<sup>328</sup> to protect the kingdom and the people, to see that the rules of *varṇas* and *āśramas* were carried out by them, to make them conform to the dictates of Śāstra if they swerved from them, to punish the wicked and to dispense justice. The Arthaśāstra says 'people of the four *varṇas* and in the (different) *āśramas* protected by the king with the Rod (of punishment) and attached to the actions prescribed as their (respective) duties keep to the paths appropriate to them.' Kauṭilya (in Arthaśāstra III. 1. 38) calls the king 'Dharmappravartaka' (pounder or promulgator of Dharma). Many works (particularly the Mahābhārata) hold that all dharmas and all vidyās

326 प्रतिमन्वन्तरं चैव स्मृतिरन्या विधीयते । स्थिताश्च मनवो नित्यं कल्पे कल्पे चतुर्दश ॥ तन्त्रवार्तिक p. 202.

327 Vide Muir's Original Sanskrit Texts, vol. I. article on Manu pp. 161-238 (2nd ed. of 1872); E. W. Hopkins on 'Professed quotations from Manu found in the Mahābhārata' in J. A. O. S. vol. XI. pp. 239-275; Hopkin's 'Great Epic of India, its Character and origin' (1901); Bühler's Intro. to his translation of Manusmṛti (in S. B. E. vol. 25, pp. XI-LXXXVII); 'Manu and Yājñavalkya' by K. P. Jayaswal (Calcutta, 1930); 'Hindu Polity' by the same author (2nd ed. of 1943); 'Aspects of the Social and Political systems of the Manusmṛti' (1949) and 'Some aspects of Hindu view of life' (1952), both by Prof. K. V. Rangaswami Aiyangar; 'History of Indian Political Ideas' by Dr. U. N. Ghoshal (1959).

328 वर्णानाश्रमाश्च न्यायतोऽभिरक्षेत् । चलतश्चैतान् स्वधर्मे स्थापयेत् । धर्मस्य ह्यंशभागभवतीति । गौ. XI. 9-11; देशधर्मजातिकुलधर्मान्सर्वानेवैतान् प्रविश्य राजा चतुरो वर्णान्स्वधर्मे स्थापयन् । तेवमचरत्सु दण्डं धारयेत् ।



abide in Rājadharmā, that the welfare of the people depends on the king (Śāntiparva 141. 9). Though the general tendency was to say that Dharma progressively declines in each of the four *yugas*, yet this idea<sup>329</sup> was not universal. The Mahābhārata and the Manusmṛti state (in IX. 301) that conditions described about the four *yugas* are not immutably fixed parts of Time, but it is the ruler (who by conducting himself properly) can create the conditions of even Kṛtayuga in what common people call Kaliyuga. There is a great difference between ancient societies (like those in India) and some modern western societies. In several modern societies there are legislatures that lay down many laws to be observed by the people. In ancient times (in India), the legislative activity of the ruler was extremely limited. Besides, India was divided into many kingdoms and great conflict of laws might have arisen. Moreover, there was no single ruler who could have legislated for the whole of India, even if the task of legislation was attempted. Manu (in VIII. 3) and Kātyāyana<sup>330</sup> provide that causes (law-suits) were to be looked into (i. e. decided) by the king according to the Śāstras and in the absence of Śāstric dicta, by

( Continued from the previous page )

19.7-8 ; वर्णानामाश्रमाणां च राजा सृष्टोऽभिरक्षिता ॥ मनु VII. 35 ; चतुर्वर्णाश्रमो लोको राज्ञा दण्डेन पालितः । स्वधर्मकर्माभिरतो वर्तते स्वेषु वर्त्मसु ॥ अर्थशास्त्र I. 4. 16.

329 कृतं त्रेतायुगं चैव द्वापरं कलिरेव च । राज्ञो वृत्तानि सर्वाणि राजा हि युगमुच्यते ॥ मनु IX.301 ; कृतं त्रेता द्वापरं च कलिश्च भरतर्षभ । राजमूला इति मतिर्मम नास्त्यत्र संशयः ॥ शान्ति 141. 10 ; सर्वे धर्मा राजधर्मप्रधानाः सर्वे वर्णाः पाल्यमाना भवन्ति । सर्वस्त्यागो राजधर्मेषु राजंस्त्यागं धर्मं चादुरग्र्यं पुराणम् ॥ मज्जेत्रयी दण्डनीतौ हतायां सर्वे धर्मा प्रक्षयेयुर्विद्वद्भाः । सर्वे धर्माश्चाश्रमाणां हताः स्युः क्षात्रे त्यक्ते राजधर्मे पुराणे ॥ सर्वा विद्या राजधर्मेषु युक्ताः । सर्वे लोका राजधर्मे प्रविष्टाः ॥ शान्ति 63. 27-29.

330 अस्वर्ग्या लोकनाशाय परानीकभयावहा । आयुर्बीजहरी राज्ञां सति वाक्ये स्वयं कृतिः ॥ तस्माच्छास्त्रानुसारेण राजा कार्याणि साधयेत् । वाक्याभावे तु सर्वेषां देशदृष्टेन तन्नयेत् ॥ कात्यायन q. by अपरार्क on या. II. 1 ( p. 599 ) ; कृते तु मानवो धर्मस्त्रेतायां गौतमः स्मृतः । द्वापरे शास्त्रलिखितः कलौ पाराशरि स्मृतः ॥ पराशर I. 24 q. by स्मृतिच० ( आह्निक p. 11 ).



the usages of the country and that if the king decides causes by his fiat when there is in existence a Śāstric text, it leads him away from heaven, it brings danger to him from enemies and reduces the span of his life. Manu ( VII. 13 ) laid down that since the ruler has in him the glory of eight deities ( Indra, Vāyu, the Sun, Yama, Agni, Varuṇa, the Moon and Kubera ) whatever rules as regards desirable matters he ( the king ) established, whatever rules he makes about undesirable actions should not be transgressed by the people. Medhātithi and other commentators expressly state that the ruler could not make a rule opposed to the Śāstras and the long-standing usages of the people. Therefore, changes in the practices of the people could be provided only by resorting to such devices as the Kalivarjya topics ( indicated in H. of Dh. III. pp. 885-968 ) or by composing fresh śāstras acceptable to the learned and the leaders of people or by saying that in the four different yugas four different smṛtis were predominant as stated in Parāśara-smṛti ( I. 24 ). Manu ( IV. 176 ) says ' One<sup>331</sup> should abandon what was ( once ) Dharma, if it ends in unhappiness or it has become hateful to the people ' and Yāj. ( I. 156 ) also remarks ' what was ( once ) allowed to be Dharma should not be practised, if people have come to hate it and it does not lead to Heaven. ' The Viṣṇu-Purāṇa ( III. 11. 7 ) says the same thing. It is very rare to find one Smṛtikāra expressly stating that he dissents from the views of other named smṛtikāras. Yāj. ( I. 56 ) remarks ' what is said ( by some ) that persons of the twice-born classes can marry a śūdra woman is not my view. ' Manu ( in III. 13 ) allows a brāhmaṇa to marry a śūdra woman, but in the following verses ( III. 14-19 ) he severely condemns such marriages. That means he condemned the practices of a former age. Similarly, the practice of *niyoga* ( appointment of a brother-in law to procreate a son on the widow of a sonless person ) was set out at some length by Manu in IX. 53-62, but immediately

331 अस्वर्ग्यं लोकविद्विष्टं धर्म्यमप्याचरेन्न तु ॥ या. I. 156. The मिता. cites as an instance मधुपर्के गोवधादि; यदुच्यते द्विजातीनां शूद्राहारोपसङ्ग्रहः । नैतन्मम मतं यस्मात्तत्रायं जायते स्वयम् ॥ या. I. 56; this has in Manu III. 12-13, the last being शूद्रैव भार्या शूद्रस्य सा च स्वा स्मृते । ते चैव स्वा च राज्ञश्च ताश्च स्वा चाग्रजन्मनः ॥



afterwards he condemns it (in IX. 64-68)<sup>332</sup> as beastly (‘paśu-dharma’ in IX. 66) and waters down the whole idea by saying (IX. 69) that, when after the betrothal of a girl, the selected bridegroom dies (before actual marriage), then the brother of the deceased should marry that girl. Brhaspati refers to these passages of Manu by saying that Manu described the procedure of *niyoga* but ultimately he himself forbade it (vide Brhaspati quoted by Aparārka p. 97 (on Yāj. I. 68-69)).

Confusion is caused by the fact that ancient texts refer to Svāyambhuva Manu, Prācetasā Manu and Manu simply. To take first the Manusmṛti itself. The views of Svāyambhuva Manu are mentioned in Manu VI. 54 (on the vessels to be used by ascetics), VIII. 124 (the parts of the body where corporal punishment was to be administered in the case of all offenders except brāhmaṇas), IX. 158 (on the twelve varieties of sons such as *aurasa*, *kṣetrāja* &c.). In the first two cases the verb ‘*abravīt*’ is used and in the 3rd ‘*āha*’. No Manu is cited in chapters II and VII. In Manu IX. 138 the etymology of the word ‘putra’ is attributed to Svāyambhuva (Manu not being added). The words ‘tan-manor anuśāsanam’ occur in VIII. 139, 279 and IX. 239. The words ‘Manur-abravīt’ occur many times, as in III. 150 and 222, IV. 103, V.

- 332 उक्तो नियोगो मनुना निषिद्धः स्वयमेव हि । युगक्रमादशक्योऽयं कर्तुमन्यै-  
विधानतः ॥ बृहस्पति, quoted by कुल्लूक on Manu IX. 68. It may be  
noted that Medhātithi on Manu IX. 66 refers to Ṛg. X. 40. 2 (ko  
vām śayutrā vidhaveva devaram) as an indication of the practice of  
*niyoga* in those far-off ages. Further, it is found that Viśvarūpa  
on Yāj. I. 68-69 raises a *pūrvapakṣa* (a *prima facie* view) that  
*Niyoga* is alluded to in the Ṛgveda (X. 40. 2) and therefore it is  
clear that it was practised; to this he replies that the Smṛti texts  
about *niyoga* are meant for śūdras and the Manusmṛti (in IX. 64)  
forbids *niyoga* for dvijātis and that such a practice prevails  
(among śūdras). He boldly asserts that Vyāsa’s procreating sons  
from the wives of Vicitravīrya should be condemned like the  
marriage of Draupadī with five brothers. He provides that *niyoga*  
was allowed only for kings when the dynasty would have come  
to an end if there were no son. He further says that the Vedic  
Mantra (X. 40. 2) should be explained as referring only to Śūdras  
and quotes two verses of Vṛddha-Manu viz. शूद्राणामेव धर्मोऽयं पत्यौ  
प्रेतेऽन्यसंश्रयः । लोभान्मूढैरविद्वद्भिः क्षत्रियैरपि चर्यते ॥ वायुप्रोक्तां तस्य  
गाथां पठन्त्यत्र मनीषिणः । विप्राणां न नियोगोऽस्ति प्रेते पत्यौ न वेदनम् ॥



41 and 131, VIII. 168, 242, 339, IX. 182 and X. 63. In Manusmṛti IX. 17 Manu is said to have consigned certain special matters to women in general (Manur-akalpayat). Manu Prajāpati is mentioned in X. 78 and in XII. 123 it is stated that the highest Puruṣa is called by some as Manu Prajāpati. I have not been able to find in the Manusmṛti any mention of Prācetas Manu as having said something, but in I. 35 among the ten Prajāpatīs that primeval Manu (son of Virāj) created Pracetas is one. Therefore, it boils down to this that in the 2684 verses of the Manusmṛti (in the Nir. edition) Manu (whether simply as Manu or as Svāyambhuva or as Prajāpati) is mentioned only about twenty times. In many of these cases the words 'Manurāha' or 'Manur-abravīt' or 'Manor-anuśāsanam' are 'pādapūraṇa'. The earliest extant commentator (Medhātithi) on Manu IV. 103<sup>333</sup> expressly says 'Manugrahaṇam ślokapūraṇārtham, vikalpārtham-anye.' This shows that there was at least among those who could read and understand the Manusmṛti, no idea about deceiving anybody and that learned people at least did not understand the words as meaning that the primeval Manu had said so. The general tendency in the Manusmṛti is to have a complete proposition or idea (and not more or less) in one verse of 32 syllables. In several cases where that seemed difficult these words were added as 'padding.' In the few cases where great conflict of views is expressed in the extant Manusmṛti, the words 'Manurabravīt' or 'Manurāha' or 'Manor-anuśāsanam' do not occur. For example, as to the propriety of a brāhmaṇa marrying a woman of the śūdra class the opinions of four sages are mentioned (in Manu III. 16). But no words like 'Manu svāyambhuva' or 'Manur-abravīt' occur there. The opinion of the extant Manusmṛti is that by marrying a śūdra woman a brāhmaṇa falls into *naraka* (hell) and by procreating a son from her he loses his status as a brāhmaṇa (Manu III. 17), while Bhṛgu's view seems to be that a brāhmaṇa becomes a condemned sinner by having a child (son or daughter) from her. If the entire extant Manusmṛti proceeds from Bhṛgu, pupil of the primeval Manu, the Bhṛgu (in III. 16) seems to be a different person altogether. It may be noted that Aparārka on Yāj. II. 96 (p. 696) quotes a verse of Bhṛgu

333 विद्युत्स्तनितवर्षेषु महोत्कानां च संज्ञवे । आकालिकमनध्यायमेतेषु मनुः प्रीतिः ॥  
मनु. IV. 103.



on ordeals in which the view of Manu is stated.<sup>334</sup> That means that there was a work of Bhṛgu before Aparārka in which Manu was cited. There are only two cases (in the present author's opinion) where Manu's views are set out and where he may be said to assert his views as against those of others. One is connected with the question of the śrāddha to be offered to three ancestors, when the performer's father and great-grand-father are dead, but the grand-father is alive. In this case Manu gives two alternatives in III. 221-222. The Kalpataru on Śrāddha (p. 240) states three views about this matter. The other case is about eating the flesh of animals (discussed at length in the Manusmṛti in V. 26-56). The general tenor of the extant Manusmṛti is against flesh-eating, but there was Vedic authority for offering flesh on certain occasions; therefore, Manu allows the killing of animals only on four occasions (in Madhuparka, in Yajña, in Śrāddhas and rites in honour of gods) and forbids it in other cases (in V. 41.)

E. W. Hopkins, in his paper on 'Professed quotations from Manu found in the Mahābhārata' in J. A. O. S. Vol. XI. pp. 239-275 indulges in some very strongly worded and uncalled-for criticism of the extant Manusmṛti and of the views attributed to Manu in the Mahābhārata and in later legal and other works. A volume would be required to refute the one-sided remarks of Hopkins. But a few samples must be given. On p. 268 he observes 'the Śāstram was in great part collated between the time when the bulk of the epic was composed and its final completion, that previous to its collation there had existed a vast number of sententious remarks, proverbial wisdom, rules of morality etc. which were ascribed, not to this treatise of Manu at all, but to the ancient hero Manu as a type of godly wisdom. These I conceive to have floated about in the mouths of the people, not brought together but all loosely quoted as laws or sayings of Manu and these sayings were afterwards welded into one with the laws of a particular text (? sect) called the Mānavas. ... I fancy this sect built up their ācāra (usages) and Kuladharmā (family law) out of their own heads, not ascribing them to Manu.'

334 भृगुः । येषु पापेषु दिव्यानि प्रतिशुद्धानि ( v. 1. प्रतिषिद्धानि ) यत्नतः । कार  
त्सज्जनैस्तानि नाभिज्ञस्तं त्यजेन्मनुः ॥ अपरार्क p. 696.

Hopkins is obsessed by the occurrence of words like 'Manura-bravit' in the Manusmṛti and asks "if Manu says all, why emphasize a few? According to my theory these Manu verses found in the Manu treatise were simply caught up and drawn from the hearsay of the whole Brahmana worlds. Doctrines utterly at variance with the Mānava treatise are palmed off upon us with "Manu said" doctrines". It has been shown above that there are less than two dozen 'Manu said' (to use Hopkin's phrase) verses in about 2700 verses of the extant Manu and most of them do not at all teach doctrines at variance with the Mānava treatise. This is a specimen of what some Western Scholars on account of preconceived baseless notions write about Indian works and Indian people. On p. 270 he winds up his diatribe in the following words 'in my opinion the devotees of the legal Śāstra were more knaves than fools.' There is no need to criticize these baseless and purely subjective remarks and wild theories about thousands of floating Sanskrit verses among people thousands of years ago, their being welded into one śāstra and new customs started on the basis of these verses by a sect like the Mānavas. Apart from the Manusmṛti (in which phrases like 'Manura-bravit occur a number of times) such references do not occur at all in Yāj.; there are only a few places in Nārada where such phrases occur and in other early smṛtis also there are only a few such references. Some later smṛtis do mention Manu in some cases. The reason is obvious. Manu was famed as the great law-giver of ancient times. Some practices and rules had changed in the course of centuries. Later writers wanted changes according to their lights to be recognised, but, if they had stated them in their own names, little weight would have been attached to them, therefore they probably hit upon the plan of saying in some cases that the view propounded by them had the authority of Manu. Hammurabi professed to have received laws from the Sun. Prophets of several religions profess that what they say is inspired by God Himself. Luther, who rebelled against the authority of the Pope, denounced Copernicus as a fool and relied upon the Bible for proving that it was the Sun that had motion and not the earth. One should like to know whether Hopkins would have been prepared to dub as knaves ancient prophets who claimed to have received directly from God what they preached. Hopkins (in JRAS Vol. XI. pp. 243-246) collects some imprecise

tory verses occurring in grants of lands stating that he who deprives a donee of land given by former donors or by himself incurs great sin and falls into hell for long periods and so forth. Sometimes such verses are ascribed to Vyāsa (as in E. I. Vol. VI. p. 363 of śaka 500 i. e. 578 A.D., where the three verses 'Bahubhir Vasudhā ... phalam,' 'Svadattām ... pālanam,' and 'Svadattām ... kilbiṣam'), sometimes to Manu and rarely to God Brahmā, as in E. I. VIII. p. 233-235).<sup>385</sup> He does not notice that comparatively very early grants do not associate the verses with any name whatever e. g. in the Oṃgūdu plates of Śālaṅkāyana ruler Vijayaskandavarman (in E. I. Vol. XV. p. 249) the grant ends with the words 'atra ca dvau slokāvudāharanti' and the two verses 'svadattām' and 'na viṣam' are cited without anybody's name and which are Nos. 3 and 11 of the 43 imprecatory verses collected by the present author on pp. 1271-77 of Vol. II. of H. of Dh. He himself points out that the extant Manu does not contain anything of this sort, that Manu XI. 26 is the only condemnatory verse about theft of land which merely asserts that the man who steals the property dedicated to God or to brāhmaṇas has to subsist in his next birth on the leavings of vultures. He also shows that the Mahābhārata (Śānti 136. 2) exhorts the king not to fill his treasury by taking the property of those who perform sacrifices nor the property dedicated to Gods. Yet he could not avoid the temptation of having a fling at Manu in the words 'the fact that these quotations are often ascribed to Vyāsa as well as to Manu points to the real worth of this Father Manu'. If people, in order to frighten those who might intend to grab property of temples and brāhmaṇas use the name of Manu (human lawgiver)

385 In E. I. VIII p. 233 at p. 235 (Chendalur Plates of king Kumāra-  
viṣṇu II of the Pallava dynasty) the account ends with the words  
'अपि चात्र ब्रह्मर्षिः श्लोकाः' and four verses condemning the  
resumption of lands once granted are set out viz. the verses  
'भूमिदानात्परं दानं, स्वदत्तां परदत्तां वा, पूर्वैः पूर्वतरैश्चैव दत्तां भूमिं हरेत्तु यः,  
and बहुभिर्वसुधा...फलम्.

Vide H. of Dh. Vol. II. pp. 1271-1277 in which I have collected 43  
verses occurring in Inscriptions and Sanskrit works condemning  
the resumption of lands granted where the four verses of E. I. VIII  
occur as nos. 25, 3, 26, 1 respectively and for which several  
references are given.



Manu is not at fault. And such people are certainly not as blamable as men claiming to have direct messages from God in this matter.

There is a rather involved account in the extant Manusmṛti about the creation of the world by Paramātmā. Sages ask Manu to expound the Dharmas of Varṇas and intermediate castes; the evolution is briefly described in the summary of the first chapter above. Towards the end of the first chapter the Manusmṛti winds up by stating the appropriate actions for the four varṇas, the pre-eminence of the brāhmaṇa and by proclaiming that the highest Dharma is *ācāra* as propounded by the Vedas and the Smṛtis and that the Smṛti declares the Dharmas of countries, castes, families, heretical sects and of gaṇas (guilds and oligarchies).

The description of Manu as the son of Brahmā and the primeval promulgator of laws is a mere camouflage or disguise. The extant Manusmṛti mentions such human authors as Atri, Utathyatanaya, Śaunaka, Bhṛgu (all in III. 16), Vasiṣṭha (as laying down the proper rate of interest in VIII. 140); also mentions Smṛtis beyond the pale of the Veda (XII. 95) and above all refers to *dasyus* who speak *mleccha* languages and Ārya languages such as Paṇḍrakas, Oḍras, Kāmbojas, Yavanas, Pāradas, Pahlavas, Cīnas, Śakas, Kirātas, Daradas and Khasas (X. 44–45). Similarly, the Śāntiparva (in chap. 65)<sup>386</sup> mentions in a dialogue between Indra and Māndhātṛ (verses 13–14 quoted below) sixteen dasyu-like peoples and in verses 17–21 sets out the Dharmas that should be practised by those people described as living like dasyus. We know from the 13th Rock Edict of Aśoka that he tried to propagate *dhamma* among Yona-kambojas, Nabhāka, Nābhapanti, the Andhras and Pāradas, Bhoja-pitenikas and in the 5th Rock Edict also he mentions Yona-Kambhojas, people of Gandhāra, the Riṭṭikas, Pitenikas and other Western people. These references to people to the West of Āryāvarta would indicate that the extant Manusmṛti is not older than about 200 B. C.

386 यवनाः किराता गान्धाराश्चीनाः शबरबर्बराः । शकास्तुषाराः कङ्काश्च पङ्गवाश्चान्ध्र-  
मद्रकाः ॥ पौण्ड्राः पुलिन्दा रमठाः काम्बोजाश्चैव सर्वशः । कथं धर्माश्चरिष्यन्ति  
सर्वे विषयवासिनः । माद्विधैश्च कथं स्थाप्याः सर्वे वै दस्युजीविनः ॥ शान्ति  
65, 13–15



I shall now address myself to the discussion of the age of the Manusmṛti from external and internal evidence. That question is bound up with other problems, viz. whether there are earlier and later strata in the extant Manusmṛti, whether the Manusmṛti was recast several times or once only, what relation exists between the Manusmṛti and the Mahābhārata.

First the external evidence may be taken up. The bhāṣya of Medhātithi is the earliest extant commentary on the Manusmṛti and was composed about 900 A. D. as will be shown later on. The text commented upon by Medhātithi was the same (barring a few various readings) as the one we now possess. Therefore, long before 900 A. D. the Manusmṛti was the same as now. Viśvarūpa in his commentary on Yāj. quotes over two hundred verses of the Manusmṛti either wholly or in part from all the twelve chapters beginning with the very first verse. The text that Viśvarūpa had before him was the same as the present Manusmṛti and the verses were arranged in the same order as at present. Viśvarūpa quotes eight verses (Manu XI. 108–115) from Manu (on Yāj. III. 262). Śaṅkarācārya in his Vedāntasūtra-bhāṣya quotes the Manusmṛti very frequently. For example, he quotes Manu I. 5 and 21 (on V. S. I. 3. 28), I. 27 (on V. S. IV. 2. 6), II. 87 (on V. S. III. 4. 38), X. 4 and 126 (on V. S. I. 3. 36), XII. 91 and 105–6 (on V. S. II. 1 and 11). In his bhāṣya on the Br. U. he quotes Manu dozens of times and calls the Manusmṛti 'Mānavam' <sup>337</sup> (on Br. U. I. 4. 17). He looks upon the Manusmṛti as one of the authorities on which the author of the Vedāntasūtra relies. <sup>338</sup> The Tantravārtika of Kumārila stands in a special relation to the Manusmṛti. Vide J B B R A S for 1925 pp. 98–100. He places Manu at the head of all smṛtis, even higher than the dharmasūtra of Gautama. He cites numerous quotations from the first chapter of the Manusmṛti to the last. He looks upon all parts of the extant Manusmṛti as equally authoritative and regards the Manusmṛti as the highest authority on matters of *dkar-*

337 मानवे च सर्वा प्रवृत्तिः कामहेतुक्येवेति. Vide. मनु. II. 4.

338 On the Sūtra स्मरन्ति च (वेदान्तसूत्र III. 1. 14) Śaṅkara  
'मनुव्यासप्रभृतयः शिष्टाः'.



ma. The *Mṛcchakatika* (9. 39)<sup>339</sup> refers to the ordinance of Manu that a Brāhmaṇa sinner was not to be sentenced to death, but was to be banished. An inscription of the Valabhi king Dharasena dated in the year 252 of the Valabhi era (i. e. 571 A. D. ) speaks of a king as one who obeyed<sup>340</sup> the rules composed by Mauu (I. A. vol. 8 p. 303, Gupta Inscriptions p. 165 ). *Vide* also I. A. vol. IV. p. 105 where the same words occur in an inscription from Valabhi dated 216 of the Valabhi era (i. e. 535 A. D. ). Śābarasvāmin, the bhāṣyakāra of Jaimini's sūtras, who cannot be placed later than 500 A. D. and may be a few centuries earlier still, says "Manu and others have given instruction"<sup>341</sup> and quotes a verse as a smṛti passage which is practically the same as Manu VIII. 416 and similar to Udyoga-parva<sup>342</sup> 33. 64. Aparārka and Kullūka point out how the Bhaviṣyapurāṇa expounds passages of the Manusmṛti (vide Kullūka on Manu XI. 72, 73, 100 and Aparārka pp. 1071, 1076).<sup>343</sup> It will be shown below that Brhaspati must have composed his work before 500 A. D. Brhaspati says that the Manusmṛti occupies a pre-eminent position because it correctly represents the sense of the Veda and that a smṛti which is in conflict with Manu is not esteemed.<sup>344</sup> Brhaspati in nume-

339 अयं हि पातकी विप्रो न वध्यो मनुब्रवीत् । राष्ट्रादस्मात्तु निर्वास्यो विभवैरक्षतैः सह ॥. Compare मनु 8. 380 न जातु ब्राह्मणं हन्यात्सर्वपापेष्वपि स्थितम् । राष्ट्रादेनं बहिः कुर्यात्समग्रधनमक्षतम् ॥. The words राष्ट्र and अक्षत occurring in both may particularly be noted.

340 मन्वादिप्रणीतविधिविधानधर्मा.

341 उपदिष्टवन्तश्च मन्वादयः, on पूर्वमीमांसा I. 1. 2 ( vol. I. p. 4 ).

342 एवं च स्मरति । भार्या दासश्च पुत्रश्च निर्धनाः सर्व एव ते । यत्ते समधिगच्छन्ति यस्य ते तस्य तद्धनम् ॥. Manu ( 8. 416 ) reads भार्या पुत्रश्च दासश्च त्रय एवाधनाः स्मृताः, while उद्योग० reads 'त्रय एवाधना राजन्भार्या दासस्तथा सुतः'.

343 On मनु XI. 73 कुल्लूक says 'मनुल्लोकमेव लिखित्वा यथा व्याख्याने (तं?) भविष्यपुराणे'; on मनु XI. 100 'अत एव मन्वर्थव्याख्यानपरे भविष्यपुराणे'.

344 वेदार्थोपनिबन्धत्वात्प्राधान्यं तु मनुस्मृतौ । मन्वर्थविपरीता या स्मृतिः सा न प्रशस्यते ॥ ( quoted by अपरार्क on Yāj. II. 21 and by कुल्लूक on मनु I. 1. who adds one more verse from बृहस्पति 'तावच्छास्त्राणि शोभन्ते तर्कव्याकरणानि च । धर्मार्थमोक्षोपदेष्टा मनुर्वावन्न दृश्यते ॥ )' )





rous places pointedly refers to the present text of the Manusmṛti. One such quotation about *niyoga* has been cited above (note 187). Brhaspati says "Manu has spoken of quantities (units of weights) beginning from the mote in the sun-beam to the *kārṣāpaṇa*".<sup>345</sup> This is obviously a reference to Manu 8. 132-136. Brhaspati says "Manu enumerated thirteen sons and, just as in the absence of clarified butter, oil is a substitute, so in the absence of an *aurasa* son or a *putrikā*, the eleven kinds of sons are a substitute".<sup>346</sup> This has in view Manu IX 158-160, 180, 127-130, where Manu speaks of the twelve sons, out of whom eleven are substitutes and advocates that a sonless man should appoint a daughter (*putrikā*, who then is the 13th kind of son). In another place Brhaspati<sup>347</sup> declares "Manu forbade gambling as it destroys truth, purity and wealth; but others allowed it, provided a share was given to the king (in the gains of gambling)." This very aptly describes the attitude of Manu (IX. 224) and of Yāj. (II. 201-203). Brhaspati says "If a man kills a cow with a weapon &c., he should perform the penance laid down by Manu, but if he kills a cow by forcible restraint, then he should perform the penance laid down by Āṅgiras or Āpastamba." The reference is to Manu XI. 108-115, Āpastamba Dh. S. I. 9. 26. 1 and Āṅgirasa verse 27 (Jivananda, part I. p. 556). In one place Brhaspati seems to criticise Manu (IX. 219) when he says: 'those who declared clothes and other things to be impartible have not considered the position that the wealth of the rich may consist of clothes and ornaments'.<sup>348</sup> In

345 संख्या रश्मिरजोमूला मनुना समुदाहृता । कार्षापणान्ता सा दिव्ये नियोज्या विनये तथा ॥ quoted by अपरार्क on याज्ञ. II. 99 and by the स्मृतिच० (व्य. p. 211).

346 पुत्रास्त्रयोदश प्रोक्ता मनुना येन पूर्वशः । सन्तानकारणं तेषामौरसः पुत्रिका यथा ॥ आज्यं विना यथा तैलं सद्भिः प्रतिनिधिः स्मृतम् । तथैकादश पुत्रास्तु पुत्रिकौरसयोर्विना ॥, quoted by अपरार्क on याज्ञ. II. 128-132 and the दत्तकमीमांसा (p. 39).

347 द्यूतं निषिद्धं मनुना सस्य (त्य ?) शौचधनापहम् । तत्प्रवर्तितमन्यैस्तु राजभागसमन्वितम् । सभिकाधिष्ठितं कार्यं तत्स्करज्ञानहेतुना । It is striking that याज्ञ० uses the word तत्स्करज्ञानकारणात् in II. 203.

348 वस्त्रादयोऽविभाज्या यैर्हक्तं तैर्न विचारितम् । धनं भवेत्समृद्धानां वस्त्रादयो रसंश्रितम् ॥ quoted by अपरार्क on याज्ञ. II. 119 and by व्यवहारमयूख.



another place Brhaspati says "Bṛgu spoke of sale without ownership after deposit; listen to it attentively, I shall speak of it with more details".<sup>349</sup> This keeps in view Manu VIII. 4 and clearly shows that Brhaspati was well aware of Bṛgu's connection with the extant Manusmṛti. Āṅgiras as quoted in the Smṛticandrikā (I. p. 7) speaks of the dharmaśāstra of Manu. In the Vajrasūci of Āśvaghoṣa (ed. by Weber) several verses are quoted as from the 'Mānavadharmā' which occur in the extant Manusmṛti,<sup>350</sup> though it must be admitted that there are others that do not occur. In the Rāmāyaṇa also there are verses cited as from Manu which occur in the extant Manusmṛti; vide Kiṣkindhā 18. 30-32 (Gujarati Press, 1915-1920), where two verses are quoted as 'sung by Manu' which correspond to Manusmṛti VIII. 318 and 316 respectively.

The foregoing discussion of the external evidence shows that writers from the 2nd century onwards (if not earlier) looked upon the extant Manusmṛti as the most authoritative smṛti. This position it could not have attained unless several centuries intervened between it and these writers. Therefore it must be presumed that the Manusmṛti had attained its present form at least before the 2nd century A. D. Even the Mahābhāṣya contains a verse which is Manu II.

349 निक्षेपानन्तरं प्रोक्तो भृगुणास्वामिविक्रयः । श्रूयतां तं प्रयत्नेन सविशेषं ब्रवीम्य-  
हम् ॥ विवादरत्नाकर p. 100. The words of मनु are : तेषामाद्यमृणादानं  
निक्षेपोऽस्वामिविक्रयः ।

350 e. g. उक्तं हि मानवे धर्मे—सद्यः पतति मांसेन लाक्षया लवणेन वा ।  
त्र्यहाच्छूद्रश्च भवति ब्राह्मणः क्षीरविक्रयात् ॥ ( this is मनु X. 92 ) ; उक्तं  
हि मानवे धर्मे ' वृषलीफेनपीतस्य निःश्वासोपहतस्य च । तत्रैव च प्रसूतस्य  
निष्कृतिर्नोपलभ्यते ॥ ' ( this is मनु III. 19. ) ; उक्तं हि मानवे धर्मे ' अधीत्य  
चतुरो वेदान् साङ्गोपाङ्गेन तत्त्वतः । शूद्रात्प्रतिग्रहाद्वा ब्राह्मणो जायते खरः ॥  
खरो द्वादश जन्मानि षष्टिजन्मानि सूकरः । श्वानः सप्ततिजन्मानि इत्येवं मनु-  
ब्रवीत् ॥ ' ( this cannot be traced in the extant Manusmṛti ) ; इह हि  
मानवधर्मेभिहितम् । अरणीगर्भसंभूतः कठो नाम महामुनिः । तपसा ब्राह्मणो  
जातस्तस्माज्जातिरकारणम् ॥ This is followed by several verses citing  
instances of व्यास, वसिष्ठ, ऋष्यशृङ्ग, विश्वामित्र, नारद and others, who,  
though born of women of low class, became sages. These verses also  
are not found in the extant मनुस्मृति.



120.<sup>851</sup> But as the verse occurs also in the Anuśāsana (104. 64-65) no chronological conclusion can be drawn therefrom. The Pratimānāṭaka (after V. S.) speaks of 'Mānavīyadharmasāstra' and 'Prācetasā-śrāddhakalpa' but as it is in controversy whether that work can be ascribed to the ancient Bhāsa this reference will serve no useful purpose.

The next question is whether the Manusmṛti contains earlier and later strata. There can be no doubt on this point. On numerous points the Manusmṛti contains conflicting doctrines. In Manu III. 12-13 a Brāhmaṇa is allowed to have a śūdra woman as wife, while in III. 14-19 it is emphatically asserted that a śūdra woman cannot be the wife of a brāhmaṇa and heavy disabilities are prescribed for him who breaks the injunction. In III. 23-26 there are contradictory statements about the appropriate forms of marriage for the several castes. In one breath Manu seems to permit *niyoga* (9. 59-63) and immediately afterwards he strongly reprobates it (9. 64-69). The lengthy discussion on flesh-eating in Manu V. 27-56 discloses different mentalities. At several places the work seems even to recommend flesh-eating in sacrifices, *śrāddhas* and *madhuparka* (V. 31-32, 35, 39, 41), while elsewhere it recommends total abstinence from meat on all occasions whatever (V. 48-50). In one śloka (Manu II. 145) the father is said to be equal to a hundred ācāryas, while in the next verse the ācārya is said to be superior to the father. In V. 1 Bhṛgu is said to have sprung from fire, while in I. 35 he is said to be one of the ten sons of Manu Svāyambhuva. Vide also IX. 32-56.

Bühler devotes considerable space to this question (S. B. E. vol. 25. pp. LXVI-LXXIII). He arrives at the conclusion that the cosmological and philosophical portions in the first and 12th books, the philosophical disquisition in II. 89-100, the classifications of *pitarah* in III. 193-201, the means of subsistence for Brāhmaṇa in IV. 1-24, verses 1-4 of the fifth book, the rule about mixed castes (X. 1-7) and the duties of castes that are repeated in X. 101-131 were put in when the work was versified from the Mānavadharmasūtra. Though

351 ऊर्ध्वं प्राणा ह्युत्क्रामन्ति यूनः स्थविर आयति । प्रत्युत्थानाभिवादाभ्यां  
स्तान्प्रतिपद्यते ॥ महाभाष्य vol. III. p. 58. This verse occurs also in the  
उद्योगपर्व (38. 1).



one may not agree with all the details of Bühler's examination and with his theory about the versification of the Mānavadharmasūtra, it may be admitted that most of the passages pointed out by him have rather the flavour of comparative modernity about them. My own position is that the original Manusmṛti in verse had certain additions made in order to bring it in a line with the change in the general attitude of people on several points such as those of flesh-eating, *niyoga* &c. But all these additions must have been made long before the 3rd century A. D. as the quotations from Brhaspati and others show.

In this connection it is pertinent to note that the text of the Manusmṛti has been the same with very few exceptions at least from the 6th century onwards (as the quotations in the Tantravārtika and in the Śāṅkarabhāṣya on the Vedāntasūtra and as the commentaries of Medhātithi and others show), while the text of the Mahābhārata differs greatly in the different editions published in our country.

To cite a few examples; Śāṅkarācārya on V. S. I. 2. 19 quotes the latter half of Manu I. 5, on V. S. I. 3. 28 refers to Manu I. 21 in slightly different words, on V. S. IV. 2. 6 quotes Manu I. 28 ('anyvo' &c.), on V. S. I. 3. 36 refers to Manu X. 4 (about Śūdra) and quotes the first half of Manu X. 126; on V. S. II. 1. 1 quotes the whole of Manu XII. 91 and on V. S. II. 1. 11 he quotes Manu XII. 105-6. From this it is clear that he had before him the extant Manusmṛti (from its first to the last chapter) and treated it as an authoritative Smṛti. Similarly, Kumārila (who, according to the present author, wrote his Tantravārtika between 650-700 A. D. (as shown on pp. 1191, 1198 and notes 1946 and 1952 of H. of Dh. Vol. V.) quotes many verses of Manu (sometimes as Mānavam).

The Tantravārtika stands in a special relation to the Manusmṛti. Whenever the author speaks of Smṛtis, that of Manu is the first to come to his mind and Kumārila refers to him even before the Gautamadharmasūtra. A few examples may be cited. After finishing the discourse on the importance of Veda (consisting of Vidhis, Arthavādas, Mantras and nāmadheyas), Kumārila starts his discourse on the Smṛtis and mentions Manu as the representative of or foremost among Smṛtis. On p. 165 he quotes Manu II. 6-7, though he employs



the plural 'smarṭrbhiḥ' i. e. smṛtikāraiḥ ). On the question of the duration of the stage of student-hood (brahmacarya) for various periods, he first quotes Manu ( III. 2 ) and then Gautama Dh. S. II. 51-52 ( on p. 192 ). The Tantravārtika states that authors of Smṛtis are generally prepared to accept as authoritative the usages of countries, castes and families, that are not opposed to the Vedas and first quotes Manu II. 6 and then Gaut. Dh. S. XI. 20.

Another problem is whether the Manusmṛti has undergone several recasts. This does not seem likely and the evidence adduced in support of the theory that the Manusmṛti suffered several recasts is quite inadequate for the purpose. The occurrence of several conflicting passages can as well be explained on the theory of a single recast and it has also to be borne in mind, as Bühler points out, that Sanskrit writers down to the most recent times are in the habit of placing side by side conflicting opinions without actually preferring a particular view to others. The tradition of the Nārada-smṛti that the śāstra of Manu was successively abridged by Nārada, Mārkaṇḍeya and Sumati Bhārgava is, as has been observed above, not worth much, since it is merely intended to glorify Nārada's work. The other traditions given above either ignore Nārada altogether or assign him a secondary position. The present Manusmṛti is put into the mouth of Bhṛgu. Nārada's smṛti is clearly based upon Manu, though the former diverges from the latter on many points. Brhaspati generally takes Manu as his text and amplifies the dicta of the Manusmṛti ( as the verses quoted above in notes 345-348 show ) and so his work may by analogy be regarded as a Vārtika on Manu, as Dr. Jolly puts it. Āṅgīras also looks upon Manusmṛti as most authoritative. It is therefore that the Paurāṇic account ( note 321 above ) regards Bhṛgu and other works as the redactions of the original Manusmṛti. The quotations cited from Vṛddha-Manu and Brhan-Manu do not establish that the original Manusmṛti underwent many recasts. Quotations cited under these names are later than the Manusmṛti. Viśvarūpa ( on Yāj. I. 69 ) quotes the views of Vṛddha-Manu on *niyoga*, who allows it only to *śūdras*. The Mitākṣarā quotes a verse from Vṛddha-Manu about the widow of a sonless man being entitled to all her husband's

wealth while Manu is silent on that point.<sup>352</sup> The Mit. on Yāj. II. 135-136 and Mādhava ( in Parāśaramādhaviya ) quote a verse and a half from Br̥han-Manu, which are expansions of Manu ( V. 60 ).<sup>353</sup> The fact that many quotations ascribed to Manu in several works are not found in the extant Manusmṛti is explicable in several ways and not only by the theory of several recasts. For one thing the authors quoting from memory may be found tripping. For example, in an inscription of the Badami Cālukyas of the 7th century two verses that occur in most grants of lands are ascribed to Manu, but are not found in the extant Manusmṛti.<sup>354</sup> No one can for a moment doubt that the extant Manusmṛti was an authoritative work in the 7th century. Therefore, there is hardly any reliable evidence to support the theory that the Manusmṛti suffered several recasts.

Turning now to the internal evidence, the extant Manusmṛti seems to be much older than Yājñavalkya, since the rules of judicial procedure are incomplete and awkward in Manu as compared with Yāj., since there is no reference to documents as evidence in Manu, as ordeals are not treated of in Manu, as legal definitions are almost absent in Manu, while frequent in Yāj. and as Manu is silent about the widow's rights, while Yāj. gives her the first place among the heirs of a sonless man. So the Manusmṛti will have to be placed some centuries earlier than the third century A. D., the latest date to which the Yājñavalkya smṛti can be assigned with any show of reason. In X. 44 Manu mentions the Yavanas, Kāmbojas, Śakas, Pahlavas and Cīnas<sup>355</sup> and in X. 48 Medas

352 अपुत्रा शयनं भर्तुः पालयन्ती व्रते स्थिता । पत्न्येव दद्यात्तत्पिण्डं कृत्स्नमंशं लभेत च ॥ मिता. on याज्ञ. II. 135.

353 तदुक्तं बृहन्मनुना — सपिण्डता तु पुरुषे सप्तमे विनिवर्तते । समानोदकभावस्तु निवर्तते चतुर्दशात् । जन्मनामस्मृतेरेके तत्परं गोत्रमुच्यते ॥ पराशरमाधवीय vol. III, para 2, p. 528.

354 मनुगीतं श्लोकमुदाहरन्ति — बहुभिर्वसुधा भुक्ता राजभिः सगरादिभिः । and स्वदत्तां परदत्तां वा यो हरेत वसुधराम् । &c. I. A. vol. VIII. p. 97.

355 पौण्ड्रकाश्वौद्रविडाः काम्बोजा यवनाः शकाः । पारदाः पल्लवाश्चीनाः ।  
दरदाः खशाः ॥



and Āndhras. This shows that the extant Manusmṛti could not be much earlier than the 3rd century B. C. The Yona, Kāmboja and Gāndhāra people are mentioned in the 5th rock edict of Aśoka. Manu forbids Brāhmaṇas to dwell in the kingdom of a Śūdra ( IV. 61 ) and condemns the appointment of a śūdra as a judge ( VIII. 20-21 ). The late Mr. Jayaswal in his work 'Manu and Yājñavalkya' p. 32 refers to Manusmṛti XII. 100<sup>356</sup> (among other matters) which states 'a person who knows the science of the Veda deserves the post of the commander-in-chief, the kingdom itself, the leadership in Government and the overlordship of all the world'. He thinks that this is a sample of the aggressive brāhmaṇa spirit that arose when Puṣyamitra Śunga became king. Puṣyamitra was a Senāpati before he became king. Mr. Jayaswal cites other examples of this spirit ( such as Manu VIII. 20 which states that 'even a brāhmaṇa in name only who maintains himself out of the superiority of his caste may be a judge but a śūdra never.' This was nothing new. Centuries before the extant Manusmṛti, the Tai. S. ( I. 7. 3. 1 ) states that Brāhmaṇas are gods that are directly seen. Gaut. VIII. 1 placed the learned brāhmaṇa on the same level as the king. The extant Manusmṛti in its arrangement and doctrines is much in advance of the ancient dharmasūtras such as those of Gautama, Baudhāyana and Āpastamba. Taking all these things into consideration Bühler ( S B E vol. 25 p. CXVII ) was certainly right in saying that the extant Manusmṛti was composed between the second century B. C and 2nd century A. D. But the question of the date when the original Manusmṛti to which additions were made between the 2nd century B. C. and 2nd century A. D. was composed presents very great difficulties. That question is largely bound up with the relation of the Mahābhārata to the Manusmṛti.

This question is an extremely intricate one. The late V. N. Mandlik ( Intro. to the Vyavahāramayūkha XLVII ) held that the Manusmṛti borrowed from the Mahābhārata. Bühler after an elaborate examination of the question ( S B E vol. 25, pp. LXXIV-XCVIII ) came to the conclusion that it was indisputable that the 12th and 13th *parvans* of the Mahābhārata knew a Mānavadharmasāstra which was closely

356 सेनापत्यं च राज्यं च दण्डनेतृत्वमेव च । सर्वलोकाधिपत्यं च वेदशास्त्रविद्वर्हति  
मनुस्मृति XII. 100. ; तै. सं. I. 7.3 एते वै देवाः प्रत्यक्षं यद् ब्राह्मणाः ।



connected with but not identical with the present Manusmṛti. Bühler expresses himself very cautiously and it seems to me that the great scholar was unduly prepossessed in favour of the Mahābhārata as against the Manusmṛti. Bühler somewhat contradicts himself when he says that the author of the epic only knew the dharmaśāstras (S B E vol. 25, p. XCVIII). Hopkins (Great Epic of India p. 21-22) seems inclined to hold that the 13th book which alone, according to him, recognises the śāstra declared by Manu, knew the present Manusmṛti, though the earlier books cannot be held to have known a śāstra of Manu even when they employ such expressions as "Manu said." He thinks that there was a floating mass of verses containing philosophical and other lore attributed to the mythical Manu on which the earlier books of the Mahābhārata and the Manusmṛti both drew and that the matter that is common to both works was not borrowed from any systematic treatise. Bühler accepts this view with the slight modification that the floating mass of verses was not all attributed to Manu (S B E vol. 25 p. XC). Before giving my individual views on this vexed question as against the array of such eminent scholars as Bühler and Hopkins some facts must be clearly set forth. The Mahābhārata is nowhere mentioned by name in the Manusmṛti, though the word "itihāsa" (in the plural) occurs in Manu (III. 232). The Manusmṛti mentions many historical and legendary personages, about most of whom the Mahābhārata contains similar stories. The following are the persons so mentioned in the Manusmṛti. Āṅgīrasa (in II. 151-152, addressing his elders as 'putrakāḥ'); Agastya (V. 22, in connection with sacrificing animals); Vena, Nahuṣa, Sudāsa Paijavana and Nimi (all in VII. 41); coming to grief through insolence); Prṛthu, Manu, Kubera and the son of Gādhi (VII. 42), benefiting by their good conduct); Vasiṣṭha (in VIII. 110, taking an oath before king Paijavana), Vatsa (in VIII. 116, undergoing fire ordeal); Akṣamālā and Sārāṅgī (in IX. 23, though of low birth, respectively were united to Vasiṣṭha and Mandapālā); Dakṣa (in IX. 128-129) gave his daughters to Dharma, Kāśyapa and Soma); Ajigarta (in X, 105, who was ready to sacrifice his own son); Vāmadeva (in X, 106, desired dog's flesh to save his life); Bharadvāja (in X. 107, who accepted the gift of many cows); Viśvāmītra (in X. 108, who took from a Cāṇḍāla's hand a dog's leg); Prṛthu is also mentioned (in IX. 44) as the husband of the earth and in IX. 314 Brāhmaṇas are credited with having

made fire all-devourer, the ocean undrinkable and the waning (phthisical) moon to wax. Most of the names mentioned here go far back into Vedic antiquities. For example, Vasiṣṭha's oath occurs in Ṛgveda (VII. 104. 15<sup>357</sup>) and the Brhaddevatā (VI. 32-34), Ajigarta figures in the Aitareyabrāhmaṇa (VII. 16) and Āṅgīrasa's story occurs in the Tāṇḍyamahābrāhmaṇa (13. 3. 24). Besides, the Manusmṛti does not say that the stories are taken from the great epic. The Mahābhārata also was not the first to originate these stories but is only a storehouse and encyclopaedia of the numerous popular traditions that were current in ancient India. When our Manu (9. 227) says that gambling was seen to have produced in former ages deep-rooted enmities, it is unnecessary to suppose that there is a reference to the Mahābhārata, for, from Vedic times the evil effects of gambling were known (vide Ṛgveda X. 34) and even the Mahābhārata contains the same verse (Udyoga 37. 19), though this fact was not noticed by Bühler. On the other hand, there are numerous passages in the Mahābhārata scattered over almost all the *parvans*, where occur such expressions as, 'Manu-abravīd,' 'the rājadharmas of Manu', 'the śāstra of Manu' etc. Some of these passages agree with the extant Manusmṛti, while some do not. Besides, there are hundreds of verses in the Mahābhārata that are identical with the verses of the Manusmṛti, though they are not expressly attributed to Manu. Dr. Bühler says that in the Vana, Śānti and Anuśāsana *parvans* alone he could identify either wholly or partly 260 verses with those of our Manu. What then is the conclusion? *Prima facie* it should be, on account of all these abovementioned facts, against the Mahābhārata and in favour of the Manusmṛti being the earlier of the two. Hopkins at all events holds that the Anuśāsana-parva knew a Manusmṛti essentially the same as we have now. Bühler expresses himself more cautiously and says that the Śānti and Anuśāsana *parvans* knew a Mānava-dharmaśāstra closely connected with the extant one, though not identical. Both are agreed that the earlier books when they speak of Manu are either referring to the Mānava-dharmaśūtra or to the floating mass of popular verses, but not to our Manu.



We must now closely examine the data. The Anuśāsana-parva distinctly speaks of 'a śāstra declared by Manu'.<sup>358</sup> In the Śāntiparva are quoted two ślokas 'sung by Manu in his own dharmas,' one of which is identical with Manu<sup>359</sup> (9. 321). In another place the Śāntiparva speaks of the 'rājadharmas of Prācetasā Manu' and quotes two verses therefrom.<sup>360</sup> In the Droṇaparva (7. 1) 'Mānavī arthavidyā' is referred to and in Vanaparva the rājadharmas as proclaimed by Manu are referred to (Vanaparva 35. 2. 21). In other places, the words 'Manu Svāyambhuva said' occur (e. g. Śānti 21. 12, Anuśāsana 114. 12, Vanaparva 180. 34-35, Ādiparva 73. 9, 110. 32-36, Udyoga 37. 1-6). In most cases the words 'Manu said' occur without the appellation 'Svāyambhuva' or 'Prācetasā' (e. g. Śānti 78. 31, 88. 14-16, 121. 10-12, 152. 14, 152. 30, 266. 5; Anuśāsana 44. 18 and 23, 65. 1 and 3, 67. 19, 68. 31, 88. 4, 115. 52-53; Vanaparva 32. 39, Udyogaparva 40. 9-10, Ādiparva 41. 31, 74. 39). The words 'Manor-anuśāsanam' occur in a few cases as in Anuśāsana 61. 34-35.<sup>361</sup> These two verses are very interesting. "When the

358 मनुनाभिहितं शास्त्रं यच्चापि कुरुनन्दन । अनु. 47. 35.

359 मनुना चैव राजेन्द्र गीतौ श्लोकौ महात्मना । धर्मेषु खेषु कौरव्य इदि तौ कर्तुमर्हसि ॥ अद्भ्योभिर्ब्रह्मतः क्षत्रमश्मनो लोहमुत्थितम् । तेषां सर्वत्रगं तेजः स्वासु योनिषु शाम्यति ॥ अयो हन्ति यदास्मानमग्निना वारि हन्यते । ब्रह्म च क्षत्रियो द्वेष्टि तदा सीदन्ति ते त्रयः ॥ शान्ति० 56. 23-25.

360 प्राचेतसेन मनुना श्लोकौ चेमावुदाहृतौ । राजधर्मेषु राजेन्द्र ताविहैकमनाः शृणु । षडेतान्पुरुषो जह्याद्विज्ञां नावमिवाम्भसि । अप्रवक्तारमाचार्यमनधीयान-मृत्विजम् ॥ अरक्षितारं राजानं भार्या चाप्रियवादिनीम् । ग्रामकामं च गोपालं वनकामं च नापितम् ॥ शान्ति. 57. 43-45.

361 पापं कुर्वन्ति यत्किञ्चित्प्रजा राज्ञा ह्यरक्षिताः । चतुर्थं तस्य पापस्य राजा विन्दति भारत ॥ अथाहुः सर्वमेवेति भूयोर्धमिति निश्चयः । चतुर्थं मतमस्माकं मनोः श्रुत्वानुशासनम् ॥ अनु. 61. 34-35. Here भीष्म is supposed to address युधिष्ठिर. Compare मनुस्मृति 8. 18 पादोऽधर्मस्य कर्तारं पादः साक्षिणमृच्छति । पादः सभासदः सर्वान् पादो राजानमृच्छति ॥

प्रजापतिमतं ह्येतन्न स्त्री स्वातन्त्र्यमर्हति ॥ अनु. 20. 14 and पिता रक्षति कौमारे भर्ता रक्षति यौवने । पुत्राश्च स्थविरे काले नास्ति स्त्रीणां स्वतन्त्र्यम् ॥

अनु. 20. 21. मनु 9. 3 is almost the same.

(Continued on the next page)



subjects are not guarded by the king, he shares in the 4th part of whatever sins they commit. Then some say 'that the whole sin is the king's,' while again some say he certainly shares in half of them (the sins); but on hearing the ordinance of Manu our view is that he shares in the 4th part of the sins. Here the author of the Anuśāsana expressly says that he puts forward his own opinion after hearing Manu's ordinance. There is no doubt that the Anuśāsanaparva clearly refers in several places to the extant Manusmṛti. In Anu. 19. 88-89 reference is made to those who know Dharmaśāstras about adultery. In Anu. 45. 17-20 reference is made to the Gāthās declared by Yama and set down in Dharmaśāstras and one verse 'Ārse gomithunam' is mentioned there, which is the same as Manu III. 53. In Anu. 20. 14 it is said that it is the view of Prajāpati that women do not deserve independence and 20. 21 is almost the same as extant Manu 9. 3. Jayaswal arrives at this conclusion (on p. 50): 'the main date may be regarded to be *circa* 150 B. C., the final revision and the present form would have been fixed by 100-150 A. C., not later.' He seizes upon the word 'Senāpatya' in Manu XII. 100. The word was placed first for preserving the regularity of the Śloka metre (in which the 5th letter in each *pāda* is required to be short) as the wording 'Rājye ca Senāpatye ca' would have the fifth letter long. Further, Manu had already stated in several places the greatness and worth of brāhmaṇas e. g. Manu in I. 93 says 'Brāhmaṇa is the lord of this whole creation, because he sprang from the mouth (of the Creator as stated in Ṛg. X. 90. 12), as he is the senior (among the four varṇas), as he preserves the Veda (by memorizing it) and since he propounds Dharma'. Vide also I. 99-101 (which

(Continued from the previous page)

अथाभिषिषिचुर्दोणं दुर्योधनमुखा नृपाः । सैनापतये यथा स्कन्दं पुरा शक्रमुखाः  
सुराः ॥ द्रोणपर्व 7. 6.

त्रयः परार्थे क्लिश्यन्ति साक्षिणः प्रतिभूः कुलम् । चत्वारस्तूपचीयन्ते विप्र  
आढ्यो वणिङ् नृपः । मनु VIII. 169 ; षडेतान्पुरुषो जह्याद्विज्ञा नावमिवा-  
म्भसि । अप्रवक्तारमाचार्यमनधीयानमृत्विजम् ॥ अरक्षितारं राजानं भास्य  
चाप्रियवादिनीम् । ग्रामकामं च गोपालं वनकामं च नापितम् ॥ शास्त्रि  
57. 44-45, उद्योगपर्व 33. 79-80 ; अश्रौषीस्त्वं राजधर्मान्यथा वै मनुरश्ववीर्य  
वनपर्व 35. 21.



occur also in Śānti 72. 6, 10, 11 first half ), also Manu VIII. 37, IX. 317, 319, X. 3. Further, there was the tradition of the Mahābhārata war that after Bhīṣma was mortally wounded, Droṇa, a brāhmaṇa teacher, was made commander-in-chief of the Kaurava army. The Droṇaparva expressly refers to the ceremony of *abhiṣeka* in the case of Droṇa as commander-in-chief. Although, the Āp. Dh. S. ( I. 10. 29. 7 ) states that a brāhmaṇa should not take in his hand a weapon even for testing it, that was an extreme view ; other Dharmasūtras ( like Gautama VII.25, Baud. II.2.80, Vasiṣṭha III. 24 ) allowed a brāhmaṇa to use arms in danger to life, for protecting cows and brāhmaṇas &c. We learn from Pāṇini ( V. 2. 71 ) that there were before his time brāhmaṇas as professional soldiers and he teaches that the word ' brāhmaṇaka ' means a country in which brāhmaṇas follow the profession of arms. Kautilya ( in A. IX. 2. 21-24 ) refers to armies of Brāhmaṇas, Ksatriyas, Vaiśyas and Śūdras. Therefore, Jayaswal's remarks on Manu XII. 100 are worthless for settling the date of the Manusmṛti. Jayaswal's ' Manu and Yājñavalkya ' is full of information, but it is sometimes marred by specious assumptions about ancient times for which there is hardly any solid basis. It would be impossible to deal with many such matters here for want of space. One matter, however, may be briefly mentioned here. On p. 288 of that work he propounds the somewhat startling proposition that ' Manu VIII. 169 shows that professional lawyers were already in existence in the time of the Mānava Code '. The verse is quoted below. It literally means ' three persons have to undergo trouble ( in litigation ) for others viz. witnesses, sureties, *kula* ( family members ) ; while four persons prosper or benefit ( in litigation ) viz. the brāhmaṇa, the rich ( i.e. the creditor who supplies money to the litigants ), the trader and the king. No word in this verse can mean a lawyer by itself. Vipra ordinarily means brāhmaṇa. Gaut. Dh. S. 13. 26, Manu VIII. 9 and Yāj. II.3 expressly provide that when the king cannot himself look into the causes of his subjects, he may appoint as judge a brāhmaṇa learned in the Dharmaśāstra, along with *sabhyas*. The Mit. quotes Kātyāyana to the effect that if a brāhmaṇa learned in the Dharmaśāstras cannot be found then a Ksatriya or Vaiśya learned in Dharmaśāstras may be appointed. So the general rule was that a brāhmaṇa was to be the presiding judge. He benefitted by litigation in the sense that he was paid his salary whatever the result of the litigation.

might be. The king benefitted by the receipt of the fines paid by the losing parties in litigations. The commentators do not say a word about a class of lawyers helping litigants for fees. Sarvajña Nārāyaṇa and Rāmacandra paraphrase 'vipra' as prāḍvivāka; Kullūka and Govindarāja simply paraphrase 'vipra' as brāhmaṇa. 'Medhātithi's' text as printed is not clear, yet he commented that this verse has to be connected with the preceding verse that condemns the use of force and that 'vipra' should not be forced to accept a gift. So it is clear, that Manu and his commentators do not speak of a profession of lawyers at all. Jayaswal refers to the Burmese code as giving a scale of fees ( p. 288 n. 3 ). That may have been the law in ancient Burma and the Burmese might have grafted it on Manu, when they adopted Manu. He should have mentioned, if he wanted to place the matter on a sound footing, a Sanskrit Smṛti setting out a scale of fees for lawyers. Hopkins says that the words 'the śāstra of Manu' occur only in the Anuśāsana-parva and so only that *parvan* knew the Manusmṛti, while in the other *parvans* we have the expression 'Manu said,' and therefore these other books did not know the Manusmṛti but are only referring to floating verses attributed to the mythical Manu. This, however, is not a reasonable conclusion. The words 'śāstra of Manu' occur only once even in the Anuśāsana while in about ten places in the same *parvan* we come across only the words 'Manu said.' If the words 'Manu said' in the Anuśāsana indicate in the Anuśāsana a reference to the extant Manusmṛti, there is no cogent reason why the same words in other *parvans* should not be regarded as referring to the Manusmṛti. Besides, in the Śāntiparva also we meet with the words 'Dharmas or rājadharmas of Manu' and in Ādiparva the word 'dharma-darśane' ( 120. 32 ). There are some important references to Prācetasā Manu in the Mahābhārata, though in the Manusmṛti no text or view is ascribed to him. The Śāntiparva ( in chap. 58. 1-3 ) names seven propounders of Rājadharmas viz. Brhaspati, Viśālākṣa, Kāvya ( Uśanas ), Sahasrākṣa, Mahendra, Prācetasā Manu, Bhāradvāja and Gaurasīras, all of whom speak highly of protection ( of subjects ) as the ( one ) Dharma for kings. The great epic quotes the views of Prācetasā Manu in Śānti ( 57. 44-45 ) that Prācetasā Manu set forth two verses in ( his work on Rājadharmas. ) A reference to Prācetasā's dictum in Anuśāsana 46. 1-2 to the



effect that what the relations of a girl receive from the bridegroom's side is not a sale but that it is really meant as honour to the girl and as to be paid over to the girl. This is almost the same as Manu III. 54. In Vanaparva 35. 21 we have the words 'you have heard the Rājadharmas that were declared by Manu.' This Manu must be Prācetasā since in Śānti 58. 1-3 Prācetasā Manu is said to have been one of the expounders of Rājaśāstra.

A remarkable reference to Viśālākṣa as a writer on Nīti (Rājanīti) is found in an inscription from Cambodia (No. 64 in 'Inscriptions of Kambuja' edited by Dr. R. C. Majumdar) in praise of Yaśovarman, king of Kambuja, about 889 A. D. in a highly paronomastic verse.<sup>362</sup> That is obviously a reference to some work of Manu. Hopkins further says (Great Epic of India, p. 21) that all the express citations of Manu in the Anuśāsana except one agree very closely with our Manu, while in the other *parvans* the citations agree only up to one-third or one-half. In the first place I demur to the latter statement. The agreements of the citations in the other books are as close and almost as frequent as in the Anuśāsana, e. g. excepting Śānti 21. 12 and 57. 43-45 all citations of Manu therein, referred to above, agree closely with Manu 7. 89, 9. 225-26, 9. 17-19 and 27, 6. 33 and 81, 11. 259-60, 5. 43 and 45 and 48-49. The same is the case with the few citations of Manu in the Vanaparva. Bühler says that the Mahābhārata knew only of the dharmasūtras. But there is positively not one express citation attributed by name to the well-known writers of dharmasūtras, such as Gautama, Baudhāyana, Āpastamba, Vasiṣṭha or Śaṅkha-Likhita. That the Mahābhārata knew several dharmaśāstras is clear from over a dozen references to dharmaśāstras, often in the plural (e. g. Śānti 167. 4, 298. 40, 341. 74; Anuśāsana 19. 89, 45. 17-20; Vanaparva 207. 83, 293. 35, 313. 105; Ādiparva 3. 32 and 77 etc.) The only place where a sūtrakāra is cited on matters of *dharma* is Anu. 19.6; but no name is mentioned.<sup>363</sup>

362 पारदः स्थिरकल्याणो गुणाढ्यः प्राकृताप्रियः । अनीतिर्यो विशालाक्षः शरो

न्यकृतभीमकः । (verse 69). Viśālākṣa was an author on *nīti*; the king Yaśovarman had large eyes (but though Viśālākṣa, he wrote no work on Rājanīti). The other paronomastic words are easy.

363 अनृताः स्त्रिय इत्येवं सूत्रकारो व्यवस्यति । अनु० 19. 6; compare निरिन्द्रिया ह्यमन्त्राश्च स्त्रियोनृतमिति स्थितिः ।





Hastisūtra, and Aśvasūtra are mentioned in Sabhā 5. 20, but no Dharmasūtra or Nītisūtra occurs anywhere. On the other hand Bühler is not prepared to admit that the views expressly attributed to Manu in the Mahābhārata are taken from a treatise and refers them to a floating mass of verses the authorship of which was unknown and was fathered upon the mythical Manu. Distrust of ancient Indian authors could go no further. A volume would have to be written to expose the mistakes, underlying the assumptions and fallacies in the writings of Hopkins, Bühler and some other Western scholars. The former collects two groups of passages from the Manusmṛti; group A containing 9 passages, 8 of which he admits to be ancient and holds Manu VI. 54 (about Yatipātras including 'alābu') to be doubtful and group B with 13 passages (3 he holds ancient, 5 doubtful and 5 others suspicious). It is impossible to agree with Hopkins in many cases which he treats as doubtful. For example, he cites Manu VIII. 59 as contradicting VIII. 139 and therefore he suspects that VIII. 139 is not genuine Manu. It has been shown above that Manu makes contradictory statements on some matters such as the practice of niyoga and the validity of the marriage of a brāhmaṇa with a śūdra woman. Besides, the apparent contradiction is easily resolved, if we hold that VIII. 59 lays down a general rule for fines and VIII. 139 contains special rules about debts only viz. if the defendant admits in court his indebtedness but has not paid the debt, then the fine for him is five paṇas for each hundred of debt, but if he denies the debt he should be fined ten paṇas for each hundred of debt (proved). Besides, Hopkins has misunderstood words like Manur-abravīt or-āha. Those words have not a single meaning, but are capable of several explanations; firstly, a quotation may be meant; secondly, only the gist of Manu's words (but not his exact words) may be intended; thirdly, the quotation may be only what the writer remembers of the original text of Manu and fourthly, he may think that what he states is the proper rule and enhances its authority by ascribing it to Manu. Bühler's assumptions are, to say the

अलाबुं दारुपात्रं च मृन्मयं वैदलं तथा । एतानि यानि पात्राणि मनुः स्वायम्भुवोऽ  
ब्रवीत् ॥ मनु VI. 54. The word पात्र occurring only in दारुपात्र is to be  
understood with all the others. Hopkins (J. A. O. S. vol. XI, 1904)

( Continued on the next page )



least, gratuitous and are prompted by his unwillingness to assign an early date to a versified *smṛti* of Manu. Not only are there identical verses in Manu and the Mahābhārata, but some verses of the latter (e. g. Udyoga 35. 31 and Śānti 111. 66) occur in the Nāradaśmṛti (pp. 103 and 26 respectively). In my humble opinion the following seems to be the relation of the Mahābhārata and the Manusmṛti. I must state frankly that it is a mere theory, a conjecture which may be taken for what it is worth. Long before the 4th century B. C., there was a work on Dharmaśāstra composed by or attributed to Svāyambhuva Manu. This work was most probably in verse. There was also another work on Rājadharmā attributed to Prācetasā Manu, which also was prior to the 4th century B. C. It is not unlikely that instead of there being two works there was one comprehensive work embodying rules on *dharma* as well as on politics. There is one circumstance that points in this direction. The Mahābhārata quotes a saying (*vacana*) of Prācetasā which is almost the same as our Manu<sup>364</sup> (3. 54). It is to these (works or work) that Yāska, Gautama, Baudhāyana, and Kauṭilya refer whenever they cite the opinions of Manu or the Mānavas. The Mahābhārata also (particularly in the earlier portions) probably refers to the same. This work was the original kernel of the present Manusmṛti. Then between 2nd century B. C. and 2nd century A. D. the Manusmṛti was finally recast probably by Bhṛgu. That work must have compressed the older works in some cases and expanded it in others. This

( Continued from the previous page )

p. 274 remarks that *alābu* occurs nowhere else ; what he means is not clear. *Alābu* is the bottle gourd. The Mahābhāṣya mentions *alābūḥ* on *vārtika* of Pāṇ. IV. 1. 66. It is much older than that, *Alābu-pātra* occurs in Atharvaveda VIII. 29. 5 ( वत्स आसीदलाबु-पात्रम् ).

The Amarakos'a has तुम्बालाबूरुमे समे. Several Western scholars are often too cocksure. However learned and industrious he may be, a scholar would not be able to read and master the whole of the extant Sanskrit Literature. Besides, a vast literature in Sanskrit (that once existed) has perished. All scholars when stating their opinions in such cases should be cautious in what they say and should not make dogmatic statements or assertions.

प्राचेतसस्य वचनं कीर्तयन्ति पुराविदः । यस्याः किञ्चिद्भादतो ज्ञातुं न शक्यः । अर्हणं तत्कुमारीणामानृशंस्यतमं हि तत् ॥ अनुशासन 46. 1-2



hypothesis would explain why some of the verses and views quoted as Manu's occur in the extant Manusmṛti and why some do not.<sup>365</sup> In my opinion the extant Mahābhārata is later than the extant Manusmṛti. When Nārada mentions the tradition that Sumati Bhārgava compressed the vast work of Manu into 4000 verses, he is somewhat obscurely hinting at the truth. The extant Manusmṛti contains only about 2700 verses. Nārada probably arrives at the larger figure by including the verses attributed to Vṛddha-Manu and Brhan-Manu. If Vṛddha-Manu was a separate work it must have been composed before at least the 7th century A. D. at the latest. Viśvarūpa on Yāj. I. 69 (p. 75, Trivandrum ed. of 1922) quotes two verses on *niyoga*. The Mit. on Yāj. II. 270 (first half) and 272, III, 5, 20 (latter half), 260 quotes a few verses of Vṛddha-Manu, while Aparārka quotes him twenty times and on p. 908 quotes Manu II. 67 and immediately afterwards quotes a verse of Vṛddha-Manu. Kalpataru on Vya. quotes Vṛddha-Manu eight times, but in one case (on p. 402) one half of the verse is the same as Manu VIII. 157 (first half). The Smṛticandrikā quotes Vṛddha-Manu verses 23 times on *ācāra*, 6 times on *Vyavahāra* and 12 times on *Śrāddha*.

Brhan-Manu is cited by the Mitākṣarā only a few times i.e. on Yāj. II. 135-36 (1½ verses on limits of *sapiṇḍa* and *samānodaka* relationship), on Yāj. III. 20 (latter half) two verses on *āśauca*. Aparārka cites Brhan-Manu only once (on p. 910) on *Āśauca*. The influence of the Manusmṛti spread even beyond the confines of India. In A. Bergaigne's 'Inscriptions Sanscrites de Campā et du Cambodge' (p. 423) we have an inscription in which occur verses,<sup>366</sup> one of which is identical

365 It is to be noted that so early a writer as शान्तरक्षित in his तत्त्वसंग्रह (कारिका 3584, G. O. S.) expressly attributes the verse (पुराणं मानवो धर्मः साङ्गो वेदश्चिकित्सितम् । आज्ञासिद्धानि चत्वारि न हन्तव्यानि हेतुभिः ॥) to मनु, which was not commented upon by मेधातिथि and later commentators. शान्तरक्षित flourished about 750 A. D. i. e. a century earlier than मेधातिथि.

366 आचार्यवद् गृहस्थोपि माननीयो बहुश्रुतः । अभ्यागतगुणानां च परा विद्येति मानवम् ॥ वित्तं बन्धुर्वयः कर्म विद्या भवति पञ्चमी । एतानि मान्यस्थानानि गरीयो यद्यदुत्तरम् ॥ The latter is मनु II. 136 and the former *sushruti* rises मनु III. 77-80.



with Manu ( II. 136 ) and the other is a summary of Manu ( III. 77-80 ). The Burmese are governed in modern times by the *dharmathat*, which are based on Manu. Vide Dr. Forchhammer's essay on the sources and development of Burmese Law ( 1885, Rangoon ). Dr. E. C. G. Jonker ( Leyden 1885 ) wrote a dissertation on an old Javanese lawbook compared with Indian sources of law like the Manusmṛti ( which is still used as a lawbook in the island of Bali ).

Vide the paper of Louis Finot in I. H. Q. Vol. I ( 1925 ) pp. 599-622 on 'Hindu Kingdoms in Indo-China' ( who remarks that India has laid her mark on all the great Far Eastern countries, some of them received from her a substantial part of their religious and artistic culture and others are indebted to her for their very existence as civilized, Indo-China being the foremost among the latter ). Vide an article by R. Lingat in A. B. O. R. I. Vol. XXX, pp. 284-297 on 'Buddhist Manu or the propagation of Hindu Law in Hīnayānist Indo-China' and Dr. R. C. Majumdar in S. Krishnaswamy Aiyangar Presentation Volume pp. 445-461 on 'Hindu Law in Java and Bali'.

Manu had numerous commentators. As to Medhātithi Govindarāja and Kullūka, vide below sections 63, 76, 88. ( 1st ed. ). Besides these, Nārāyaṇa, Rāghavānanda, Nandana and Rāmacandra also wrote commentaries on Manu. Mr. Mandlik published all these commentaries. Dr. Jolly published ( in 1885 for the Bengal Asiatic Society ) extracts from all these commentaries ( except Kullūka's and Rāmacandra's ) and from an anonymous Kashmirian commentary on the first three chapters. Asahāya seems to have written a commentary on Manu ( vide below section on him ). The Vivādaratnākara quotes a commentary on Manu by Udayakara ( pp. 455, 560, 583, 590 ). The same work seems to suggest that Bhāguri wrote a commentary on Manu.<sup>367</sup> For the predecessors of Medhā-

367 On मनु 8. 198 the विवादरत्नाकर ( p. 104 ) remarks : कल्पतरुकारस्तु अपसरत्यनेन स्वामिनः सकाशाद्धनमिति प्रतिग्रहादिर्धनोपायः अपसरः स न विद्यते यस्य तथा । एतच्च भागुरिमेधातिथिचित्रत्तिकाराणामनुमतमित्याह ।

एवं तावद्विद्वयर्थवादमन्त्रनामधेयात्मकस्य वेदस्य धर्मं प्रत्युपयोगः सामिन् इदानीं पौरुषेयीषु स्मर्यमाणार्थावधिषु मन्वादिप्रणीतनिबन्धनासु



tithi, vide sec. on him. Kullūka on Manu 8. 184 tells us that Bhojadeva arranged the four verses of Manu 8. 181-184 in a particular manner and therefore suggests that Bhojadeva probably commented on Manu. He also names a commentator Dharaṇīdhara on Manu 2.83 and says that he was later than Medhātithi. He is also referred to elsewhere by Kullūka (on Manu 4.50).

The commentator Nārāyaṇa is certainly earlier than 1550 A. D. as his commentary is cited by Bhaṭṭoji in his commentary on the Caturviṃśatimata (vide p. 61 of the Benares Sanskrit Series edition, 1907). A ms. of Nārāyaṇa's commentary was written in 1497 A. D. and he appears to have been quoted by Rāyamukuta in 1431 A.D. (Jolly in R. und. S. p. 31). He cites the explanation of Govindarāja on Manu VIII. 123. He appears to have composed a work called Kāmadhenudīpikā in which he dealt exhaustively with the prāyaścittas for various sins (as said on Manu XI. 71) and on the topic of flesh-eating at some length (as stated on Manu V. 56). He also wrote a work called Śuddhidīpikā in which he wrote at some length on Āśauca (as stated on Manu V. 79 and 104) and on the

(Continued from the previous page)

ध्वनिबद्धेषु चाचारेषु चिन्ता । p. 159 of the edition of Śābarabhāṣya and Tantravārtika (Ānan. ed. by Kinjavdekar-shastri); अपि च 'वेदोऽखिलो धर्ममूलं, स सर्वोऽभिहितो वेदे' इति च स्वयमेव स्मृतृभिरात्मा बद्ध्वा समर्पितः etc. p. 165; 'स्मृतिकाराश्च आचारश्चैव साधूनाम्, देशजाति-कुलधर्माश्चात्मनैरविरुद्धाः प्रमाणम्' इति वेदविरुद्धानामाचाराणां सामान्यतः प्रामाण्यमनुमन्यन्ते । तन्त्रवा. p. 205; तथा च मानवेऽप्याभिहितं-प्रत्यक्ष-मनुमानं...भीप्सता; तथा यस्तर्केणानु...नेतरः. These are Manusmṛti XII. 105-106; तथा च मनुनाप्युक्तमापद्धर्मगतं प्रति । तत्रत्यपापशेषाणामन्ते शौचं भविष्यति । कर्मणा येन केनेह मृदुना दारुणेन वा । उद्वरेद्दीनमात्मानं समर्थो धर्ममाचरेत् ॥; here the verse कर्मणा येन etc. does not occur in Manu but in Śāntiparva 140. 38 (reads तेनैव for केनेह).

एवं स्मरति । भार्या दासश्च पुत्रश्च निर्धनाः सर्व एव ते । यत्ते समधिगच्छन्ति यस्य ते तस्य तद्धनम् ॥ इति, शबर on पू. मी. सू. VI. 1. 120. The मनुस्मृति (VIII. 416) text runs भार्या पुत्रश्च दासश्च त्रय एवाधर्माः स्मृताः । यत्ते ... तद्धनम् ॥. The उद्योगपर्व 33. 64 reads: त्रय एवाधर्माः राजन् भार्या दासस्तथा सुतः । यत्ते ... तद्धनम्.

prāyaścittas for Mahāpātakas (as stated on Manu XI. 209). He also refers to a Mālākāra (probably the author of a lexicon) on Manu V. 81. He does not comment on some verses such as on Manu III. 174 and 278 (Mandlik's ed.). He is generally brief in his comments but he has longer notes than Medhātithi or Kullūka on Manu V. 16, 31, 56, VI. 34-35, 67, X. 42, XI. 130. He is later than Govindarāja and flourished between 1100 and 1300 A. D. Raghavānanda mentions by name Medhātithi, Govindarāja, Nārāyaṇa, and Kullūka and so is later than about 1400 A. D. When Nandana flourished it is difficult to say. But he is a late writer. There are several other commentators mentioned in the catalogues of mss. who may be passed over for want of space.

The Tantravārtika (p. 159) after dealing with the usefulness of the Veda (which is constituted by Vidhi, Arthavāda, Mantra and Nāmadheya) for understanding what Dharma is, comes to the consideration of Smṛtis such as those of Manu and others that have human authors. It further quotes the words 'Vedoskhilo Dharmamūlam' (Manu 2. 6 and 7) and concludes from the words of these passages that the Smartrs (i. e. Smṛtikāras) have bound themselves by stating that Veda is the source of Dharma. The Tantravārtika further says that the Smṛtikāras (p. 205) accept the authoritativeness of usages that are not opposed to the Veda in such passages as are quoted above. Similarly, Mānavam (i. e. Manusmṛti) states in 12. 105, 106 that one who desires to find out the pure Dharma has to rely upon *Pratyakṣa* and *Anumāna*, and that man really knows Veda who makes use of logic in interpreting Veda. The Tantravārtika (p. 191) further quotes a passage as of Manu which does not occur in the present Manu but occurs in the MBH, Śāntiparva 140.38, which states that a man should first extricate himself from distress by any action, soft or hard, and then when he becomes able, should practise what Dharma requires. Similarly, Śabara on P. M. S. VI. 1. 12 quotes a verse as Smṛti which is almost the same as the extant Manu (8. 416) and which is also similar to Udyogaparva, ch. 33.64. For further references to Manu, vide the present author's paper in JBBRAS (New Series, 1925) Vol. I pp. 98-102. In one or two cases it appears that Kumārila had before him a text of Manu slightly



different from the extant Manu. For example, on p. 191 he quotes a verse as Manu's which does not occur in the extant Smṛti.

The above discussion shows that the extant Manusmṛti was practically the same long before the 7th century A. D.

It may be noted that Śabarasvāmin on PMS. VI. 1. 12 quotes a verse as Smṛti which is practically the same as extant Manu VIII. 116. Śabara has to be placed between 200 and 400 A. D. (nearer the former date); vide H. of Dh. Vol. V. p. 1197. Hence the extant Manusmṛti cannot be placed later than 2nd century A. D. Vide the present author's paper on 'Gleanings from Śabara and the Tantravārtika' in JBBRAS (old series) Vol. 26 (1924) pp. 83-98.

Viśvarūpa (on Yāj. I. 69), the Mitākṣarā, the Smṛticandrikā, the Parāśaramādhaviya and other works quote dozens of verses from Vṛddha-Manu on *āhnika*, *vyavahāra* and *prāyaścitta*. The Mitākṣarā (on Yāj. II. 135-6, III. 20), Aparārka p. 910 and other works cite a few verses from Bṛhan-Manu. No independent works going under these names have yet been unearthed. Those works, if they ever existed independently, appear to have been later than our Manu. For example, our Manu is silent about the widow's right to inherit to her husband, but Vṛddha-Manu recognises the right of a chaste widow to take the entire wealth of her husband (Mit. on Yāj. II. 136); similarly, Bṛhan-Manu (according to the Mit.) seems to refer to Manu's view about the meaning of 'samānodaka' (Manu 5. 60) and modifies it. It is not unlikely that those verses which were not recognised as Manu's by ancient commentators like Medhātithi and were yet found in the mss. of the Manusmṛti were regarded as Vṛddha-or Bṛhan-Manu.

### 32. The Two Epics

The two great Epics of India, the Mahābhārata and the Rāmāyaṇa, contain (particularly the first) numerous passages bearing on many topics of Dharmaśāstra and are relied upon as authorities in medieval and later works. The Mahābhārata itself claims (in Ādiparva, 2. 83) that Vyāsa composed the work as a great Dharmaśāstra, as Arthaśāstra (treatise on politics and Government), Mokṣaśāstra and also





Kāmaśāstra.<sup>368</sup> In the last *parvan* it claims that whatever is said in it would be found elsewhere and what is not contained in it would not be found anywhere else i.e. it claims to be encyclopoedic and hence there was a great incentive to later scholars to add to it fresh matter. In the Udyogaparva (130. 18) and in Ādi. 62. 20 the Mahābhārata is spoken of as *Jaya* (*jayo nāmetihāsoyam śrotavyo vijigīṣuṇā*) and in the last *parvan* (5. 51) the epic is also called *samhitā* (1. 16, 63. 90), *Purāṇa* (1. 17), *ākhyāna* (2. 388-389), *itihāsa* (1. 19 and 26 and 2.36, 41 and 62. 18), *itihāsottama* (in 2.385), *Kāvya* (1. 61 and 73, 2. 390), *Kārṣṇaveda* (1. 268 and 62. 18). It further states (Ādi. 1. 52) that different beginnings of the epic existed. In the last *parvan* (*svargārohaṇa*) it states that the epic is so called because of its greatness<sup>369</sup> (great extent) and the weightiness (of its contents) and that the epic is equal (in importance) to the 18 *Purāṇas*, all the *Dharmaśāstras* and the *Vedas* with their subsidiary lores (chap. 5 45-46). Ādi (1. 81) states<sup>370</sup> that there are 8800 ślokas in the whole work, the import of which only Vyāsa and Śuka know and Sañjaya might know or not.<sup>371</sup> It is further stated that

368 अर्थशास्त्रमिदं प्रोक्तं धर्मशास्त्रमिदं महत् । कामशास्त्रमिदं प्रोक्तं व्यासेनामित-  
बुद्धिना ॥ आदि 2.83 and 62.23 ; आचख्युः कवयः केचित्संप्रत्याचक्षते परे ।  
आख्यास्यन्ति तथैवान्ये इतिहासमिमं भुवि ॥ आदि 1. 26 ; धर्मे चार्थे च  
कामे च मोक्षे च भरतर्षभ । यदिहास्ति तदन्यत्र यस्नेहास्ति न कुत्रचित् ॥  
स्वर्गा० ; मन्वादि भारतं केचिदास्तीकादि तथापरे । तथोपरिचराद्यन्ये विप्राः  
सम्यगधीयते ॥ आदि 1. 52.

369 महत्त्वाद्भारवत्त्वाच्च महाभारतमुच्यते । निरुक्तमस्य यो वेद सर्वपापैः प्रमुच्यते ॥  
अष्टादश पुराणानि धर्मशास्त्राणि सर्वशः । वेदाः साङ्गास्तथैकत्र भारतं चैकतः  
स्थितम् ॥ स्वर्गारोहण० 5. 45-46 ; the words महत्त्वा....मुच्यते occur in  
आदि also ( 1. 274 ).

370 अष्टौ श्लोकसहस्राणि अष्टौ श्लोकशतानि च । अहं वेद्मि शुको वेत्ति सञ्जयो वेत्ति  
वा न वा ॥ इदं शतसहस्रं तु श्लोकानां पुण्यकर्मणाम् । उपाख्यानैः सह ज्ञेयमायं  
भारतमुत्तमम् ॥ चतुर्विंशतिसाहस्रीं चक्रे भारतसंहिताम् ॥ उपाख्यानैर्विना  
तावद्भारतं प्रोच्यते बुधैः ॥ आदि 1. 81, 102-103.

371 These 8800 verses are known as *kūṭa* ( riddles ). But the number 8800 is extremely exaggerated. If the figure were correct it would mean that in the Mahābhārata one verse in twelve verses is a riddle. Vaidya in his work 'Mahābhārata, a criticism' (Continued on the next page)



Bhārata means the epic without the upākhyānas (tales) and contains 24000 verses and the work Mahābhārata consists of one hundred thousand verses inclusive of the upākhyānas (Ādi. 1.101-2). The Ādiparva (63.89-90) states that Vyāsa<sup>372</sup> taught the four Vedas together with the Mahābhārata as the fifth to four pupils viz. Sumantu, Jaimini, Paila, Vaiśampāyana and to Śuka his own son and these five promulgated separate five versions of the story. The Śāntiparva (chap. 327. 26-33 and 349. 10-12) repeats the same story about the five pupils of Vyāsa. The extant Mahābhārata is supposed to be the one that Vaiśampāyana narrated to Janamejaya, son of Parikṣit, the latter being the grand-son of Arjuna and son of Abhimanyu. It is said in Ādi (1.9-10) that Sauti heard the story narrated to Janamejaya and told it to Śaunaka and other sages. Thus there are (acc. to the epic itself) three stages, viz. (1) Vyāsa first transmitted the epic to five pupils; (2) these five including Vaiśampāyana composed separate works and Vaiśampāyana narrated it to Janamejaya, and (3) Śakti who heard the recital by Vaiśampāyana narra-

(Continued from the previous page)

examples of Kūṭa verses in Appendix, Note III pp. 190-193. One of these may be quoted here from the Udyogaparva; 'ekayā dve viniścītya trīṇ caturbhir vaśam kuru | pañca jivā sad-viditvā sapta hitvā sukhī bhava || उद्योगपर्व 33. 44. Most of these seven have two meanings, one relating to Rājanīti, the other relating to 'adhyātma', briefly as follows: *ekayā*...buddhyā (by one's intellect); '*dve*' means kārya (what should be done) and 'akārya' (in Rājanīti) and 'nitya' (permanent) and 'anitya' (evanescent) (in adhyātma); *trīṇ* (three) viz. mitra (friend), udāsīna (neutral), śatru (enemy); or 'Kāma' (desires), Krodha (anger), Lobha (greed); *caturbhiḥ* (four) viz. sāma, dāma, bheda and danḍa (in Rājanīti) and sama, dana, uparama, śraddhā (in adhyātma); *pañca* (the five organs of sense, in both rājanīti and adhyātma); *sad* (six) viz. sandhi and others enumerated in Manu VII. 160 and in Vedānta 'aśanāyā, pipāsā, śoka, moha, jarā, mṛtyu'; *sapta* (seven) viz. *vyasanas-*women, gambling, hunting, drinking, vākpāruṣya, danḍapāruṣya and arthadūṣaṇa (in Rāja<sup>o</sup>) and the five senses plus mind and buddhi in *adhyātma*. For the last, compare Maitrāyaṇi Upaniṣad VI. 30 (Yadā pañcāvatiḥhante jñānāni manasā saha | Buddhīśca na viceṣṭate tāmāhuḥ paramām gatim ||).

372 वदानध्यापयामास महाभारतपञ्चमान् । सुमन्तुं जैमिनिं पैलं शुकं  
स्वमात्मजम् । प्रभुर्वरिष्ठो वरदो वैशम्पायनमेव च ॥ संहितास्तैः पृथक्त्वैव  
भारतस्य प्रकाशिताः । आदि 63. 89-90.



ted it to Śaunaka and others. Therefore, the author for the extant Mahābhārata is Sauti and Vyāsa is only connected with it mediately. In this respect it differs from the Rāmāyaṇa, the author of which is Vālmīki according to all. Janamejaya Pāriksita is a famous name in Indian Antiquity. In the Ait. Br. (VIII. 21) it is stated that Tura Kāvaṣeya performed the Aindra Mahābhīṣeka for Janamejaya Pāriksita, who conquered the whole earth and performed the Aśvamedha sacrifice and there is recited a Yajña-gāthā with regard to<sup>373</sup> it. He is mentioned also in the Śatapatha Br. XIII. 5. 4. 1). What became of the other Samhitās said to have been composed by the other disciples of Vyāsa is not known.

In the daily *tarpaṇa* as prescribed in the Āśvalāyana grhya-sūtra<sup>374</sup> (III. 4) we find an echo of what we learn from the Ādiparva about the four pupils (excluding Śuka) of Vyāsa viz. Sumantu - Jaimini - Vaiśampāyana - Paila - Sūtra - bhāṣya - Bhārata - Mahābhārata - Dharmācāryas - trpyantu. Āśvalāyana was probably aware of the difference made between Bhārata and Mahābhārata. The Śāṅkhāyanagrhya omits the words 'Bhārata.....Dharmācāryāḥ'.

In the present edition (of the H. of Dh.) the Chitraśālā edition of the Mahābhārata with the commentary, Bhārata-bhāvadīpa of Nīlakaṇṭha Caturdhara, has been used. It generally agrees with the Bombay oblong edition; sometimes, however, there is a difference of one adhyāya or a śloka or two. The Bhandarkar O. Institute's edition is not referred to, because when I collected my materials it had been only recently begun and even now it is not yet complete, though nearing completion.\* But, as that edition gives in the margin of each page, references to the text of three editions of the epic, it is easy to find out a passage from the text of that edition also.

373 The यज्ञगाथा is: आसन्दीवति धान्यादं रुक्मिणं हरितस्रजम् । अश्वं बबन्ध सारङ्गं देवेभ्यो जनमेजयः ॥ ऐ. ब्रा VIII. 7.

374 सुमन्तु-जैमिनि-वैशम्पायन-पैल-सूत्र-भाष्य - भारत-महाभारत - धर्माचार्याः (तृप्यन्तु) । आश्व. गृ. सू. III. 4. 4. The शाङ्खायनगृह्य omits भारत-महाभारतधर्माचार्या; and adds after the word भाष्य 'गार्ग्य-वाङ्मन्य-मण्डुमान्धव्याः, गार्गी वाचकून्वी' &c. ed. by Dr. S. Sehgal

\* Since completed.



In the following table an attempt (not meant to be exhaustive) is made to indicate where Dharmaśāstra topics have been dealt with in the Mahābhārata at some length.

<i>Abhiṣeka</i> (coronation)—Śānti 40.	<i>Dāyabhāga</i> —Anuśāsana 45-47
<i>Arājaka</i> (evils of anarchy) Śānti 67.	<i>Putras</i> (of various kinds) Anuśāsana 48, 49.
<i>Ahiṃsā</i> —Ādi. 11, Anuśāsana 115. 1 ff, Āśvamedhika, chap. 28 and 43, Śānti. 330.	<i>Prāyaścitta</i> —Śānti 34, 35, 165. 34 ff.
<i>Āśrama</i> -dharmas—Śānti 61, 212-15	<i>Bhakṣyābhakṣya</i> —Śānti 36, 78.
<i>Ācāra</i> --Anuśāsana 104	<i>Rājānīti</i> —Sabhā 5, Vanaparva 150, Udyoga 33-34, Śānti 59-130, Āśrama- Vāsika 5-7
<i>Āśvamedhika</i> 45.	<i>Varṇadharma</i> —Śānti 60, (mixed castes) Śānti 65, 297; Anuśāsana 48-49.
<i>Āpad</i> --dharma—Śānti 131 ff.	<i>Vivāha</i> —Anuśāsana 44-46.
<i>Upavāsa</i> --Anuśāsana 106-107.	<i>Śrāddha</i> —Striparva 26-27, Anuśāsana 87-92.
<i>Tirthas</i> —Vanaparva 82 ff, Anuśāsana 25-26, Śalya 35-54.	
<i>Dāna</i> —Vanaparva 186, Śānti 234, Anuśāsana 57-99.	
<i>Daṇḍastuti</i> —Śānti 15, 121.	

Many difficult questions arise about the two epics ( which have come down to us in different recensions ), such as the origin and development of the two epics, the inter-relation of the two, the dates of the two epics; the strata, if any, in the two epics; the literature known to them, their versification; their influence on the early and later Dharmaśāstra works; their influence in comparatively early times on peoples beyond India. A great deal has been written on these topics by Western and Indian writers for over a century. Considerations of space make it impossible to enter upon the detailed discussion of the questions stated above. Yet a few remarks must be made on some of the topics discussed by scholars. The following works and papers will give some idea of the problems connected with these two heirlooms of Indian antiquity: " Zur Geschichte und Kritik des Mahābhārata " by Holtzmann ( Kiel, 1892-94 ); ' Das Rāmāyaṇa, Geschichte und Inhalt ' by Dr. Jacobi ( Bonn, 1893 ), ' The Great Epic of India ' by Prof. E. W. Hopkins ( 1901 ); Das Mahābhārata &c. by Dahlmann



( Berlin, 1895 ), ' Mahābhārata, a criticism ' by C. V. Vaidya ( 1903 ); ' The riddle of the Rāmāyaṇa, ' by C. V. Vaidya ( 1906 ); ' Das Mahābhārata, seine Eustehung, Sein Inhalt, seine Form ' by Oldenberg ( Gottingen, 1922 ); M. Winternitz's ' History of Indian Literature ' vol. I ( Calcutta, 1927 ) pp. 475-517; Dr. V. S. Sukhthankar published several Epic Studies in JBBRAS ( New Series ) Vol. IV, pp. 185-202, Vol. XI pp. 165-191, 259-283, Vol. XVI. pp. 70-113, Vol. XVII, pp 185-202, vol. XVIII pp. 1-76, Vol. XIX pp. 20-262 and in Kane Festschrift pp. 472-487 on " Rāmopākhyāna and the Rāmāyaṇa, " in which he details 86 verbal agreements between the two; Dr. V. S. Sukhthankar's four lectures on ' The meaning of the Mahābhārata ' ( 1942 ), three of which were delivered and he passed away suddenly before the 4th could be delivered; this last is monograph No. 4 of the Bombay Asiatic Society; ' State and Government in ancient India ' by Prof. A. S. Altekar ( Benaras ); ' History of Indian Political Ideas ' by Dr. U. N. Ghoshal ( 1959 ); ' Political Theory of Ancient India ' by I. W. Spellman ( Oxford 1964 ); Rev. C. Bulcke's ' Rāmākathā, Utpatti aur Vikāsa, ' Allahabad, 1950; and a paper on the ' Rāmāyaṇa its history and character ' in Poona Orientalist Vol. XXV pp. 36-60 and " Three Rāmāyaṇa Recensions " in J. O. R. ( Madras ) vol. 17 pp. 1-32.

It would not be proper to say nothing in this work about some of the vexed and important questions concerning the two epics, such as the approximate dates of the two, the inter-relation of the two and the question of the existence of different strata in them. These questions are inseparably intermixed and cannot be dealt with separately. Some points will first be brought out and briefly discussed and then the present author will state his own conclusions for whatever they may be worth. Winternitz ( in History of Indian Literature ' Calcutta, 1927, p. 469 ) went so far as to say that ' each stanza of the Mahābhārata must be judged on its own merits ' and Sukhthankar remarks that this is so ' when we want to use the stanza for historical and comparative purposes ' and he points out ( on p. 475 of Kane Festschrift ) that even a great scholar like Oldenberg commits abysmal mistakes in the estimate of the age and character of the passages of the Mahābhārata.



It is clear that the Mahābhārata had become, long before the 7th century A. D., a work for popular education and was being recited before general audiences of men and women in India as in the 19th century. For example, on p. 61 of Peterson's edition of the Kādambārī,<sup>375</sup> it is said that the queen Vilāsavati learnt when the epic was being recited that the son saves his father from *Put* hell. Similarly, it is stated in the Kādambārī ( p. 71 ) that the one thousand names of Nārāyaṇa used to be recited continuously. The Kādambārī ( p. 90 ) refers to the famous Gitā declared by Kṛṣṇa, one of whose names is ' Ananta '. Going further backwards, we find in the famous Besnagara<sup>376</sup> Column Inscription ( set out in JRAS for 1909 p. 1055 ) of the 2nd century B. C. of Heliodorus, a devotee of Vāsudeva and a Yona ( yavana ) ambassador from the Greek king Antalikita to the court of king Bhāga-bhadra. The last portion in Prakrit words is ' dama, cāga, appamāda ' ( dama, tyāga and apramāda ), which occur in Udyogaparva 43.22 and Striparva 7. 23.

375 महाभारते वाच्यमाने भृतं पुत्राम्नो नरकात्रायत इति पुत्र इति । कादम्बरी, p. 61 para 14. This is आदि 74. 39, Ādiparva 229. 14, and also मनु IX. 138, विष्णुधर्मसूत्र 15. 44 ; अविच्छिन्नपठ्यमाननारायणनामसहस्रम् । काद. p. 71 para 64. नारायणनामसहस्र occurs in अनुशासन chap. 149. 14-120 ; ' महा-भारतमिवानन्तगीताकर्णनानन्दितनरम् '. There is double entendre here Nara means Arjuna and also ' man ' and अनन्तगीता means the famous book in the Epic ( Bhīṣmaparva ) and अनन्तगीत would mean ' man songs '.

376 In ' The Indo-Greeks ' ( Oxford, 1957 ) Dr. A. K. Narain provides a plate ( VI ), at the end of which he sets out the Heliodorus Inscription on the Besnagar Pillar in nine lines as follows ( in Brāhmi characters ) :

- १ ( दे ) वदेवस वा ( सुदे ) वस गरुडध्वजे अयं
- २ कारिते इ ( अ ) हेलिओडोरेण भाग-
- ३ वतेन दियस पुत्रेण तक्खसिलोकेन
- ४ योन-दत्तेन ( आ ) गतेन महाराजस
- ५ अंतलिकितस उपं ता सकासं रजो
- ६ ( को ) सिपु ( त्र ) स ( भा ) गभद्रस त्रातारस
- ७ वसेन च ( तु ) दसेन राजेन वधमानस
- ८ त्रिणि अमुतपदानि इअ ( सु ) अनुटित्तानि
- ९ नेयंति ( स्वगं ) दम चाग अप्रमाद.

( Continued on the next page )



It has been shown above that the Āśv. gr. sūtra, which represents the last phase of Vedic literature, includes the ācāryas of Bhārata, Mahābhārata and Dharma among the sages in the daily *tarpaṇa*. The Mārkaṇḍeya-purāṇa starts by saying that it has four doubts as to Bhārata ( vide H. of Dh. Vol. V, p. 901 for the four questions and p. 903 for the date ). The Mṛcchakaṭika ( III. 12 ) refers to the Sautika parva ( mārgo hyeṣa narendra-Sautikavadhe pūrvam kṛto Drauṇinā ). In several places where the Vedāntasūtra relies on Smṛti for support Śaṅkarācārya quotes only verses from the Mahābhārata.<sup>377</sup> For example, on V. S. II. 3. 47 ( smaranti ca ) he quotes only two verses of the Mahābhārata. Vide note below. This establishes that Śaṅkarācārya held that the Mahābhārata including the Śāntiparva ( which modern critics regard as interpolated later ) was earlier than the Vedāntasūtra. The present author has attempted to establish that when the Gītā ( in 13.4 ) speaks of Brahmasūtrapadas it does not refer to the Brahmasūtra of Bādarāyaṇa but to several Brahmasūtras such as those of Bādari, Auḍulomi and Āśmarathya ( vide H. of Dh. Vol. V. pp. 1173-74 ). Śabara in his *bhāṣya* on the Pūrvamīmāṃsā-sūtra quotes passages from the present Mahābhārata text; vide a paper in Sukthankar volume pp. 221-229 by Prof. V. M. Apte and D. V. Garge.

Before proceeding further it must first be emphasized that the Mahābhārata claims to be *itihāsa* ( history ) as stated above, while the Rāmāyaṇa is a *kāvya* as expressly stated in the Rāmāyaṇa itself several times and as comparatively early

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Vide also JRAS 1909 pp. 1053-6 and 1087-92 and JBBRAS vol. 23 pp. 164-166 for prior attempts at reading this very important inscription. दमस्त्यागोऽप्रमादश्च एतेष्वमृतमाहितम् । तानि सत्यमुत्तान्याहुर्ब्राह्मणायै मनीषिणः ॥ उद्योगपर्व 43-22 ; दमस्त्यागोऽप्रमादश्च ते त्रयो ब्रह्मणो हयाः । स्त्रीपर्व 7. 23. Besnagar is about two miles to the north-west of Bhilsa in the Gwalior State.

377 ( 1 ) स्मरन्ति च । वे. सू. II. 3. 47 ; शंकराचार्य remarks : स्मरन्ति च व्यासादयो यथा जैवेन दुःखेन न परमात्मा दुःखायत इति । परमात्मा...स सप्तदशकेनापि राशिना युज्यते पुनः ॥ These verses are

( Continued on the next page )





and famous poets like Kālidāsa often say.<sup>378</sup> Therefore, it was possible for Vālmīki to give free rein to his imagination, while in the Mahābhārata some restraint had to be observed ) since what was being put forward was dubbed *itihāsa*.

The words Gāthā and Śloka occur in the R̥gveda. Gāthā ( derived from the root 'gai' to sing ) means a song or verse. Vide R̥g. VIII.32.1, VIII. 71.14, VIII.98.9, X.99.4, IX.85.6 for gāthā. The word Śloka occurs more frequently in the R̥gveda than the word gāthā and means a verse. In the Mahābhārata Gāthās sung by the Pitṛs ( Anuśāsana, 88.11-14 ), by Yama ( Anu. 45.17 and 104.72 ) or by Janaka ( Śānti 17.18-20 ), by Kāśyapa ( about Kṣamā, Vanaparva 29.35-44 ), Gāthā about Paurava in Droṇa ( 57. 11 ) and about Bhagīratha ( in Droṇa 60.8 ), of Yayāti ( in Śānti 26.13 and in Droṇa 63.8-9 ), gāthās sung by Ambariṣa and by Alarka ( in Āśvamedhika 31. 12ff and 30. 30-31 respectively ), by Br̥haspati ( Śānti 23.14-15 ), by Brahman ( Śānti 136, about king's treasury ), gāthās sung by Uśanas on distrust ( Śānti 138.192 ) and many more occur. Ślokas also are quoted with the words Ślokau cātra bhavataḥ' ( Vanaparva 192.27-29 ) or 'bhavanti cātra ślokāḥ' as in Vana-

( Continued from the previous page )

351. 14-16 ; no other smṛti passages are quoted by him on this sūtra and also on the next sūtra quoted here. ( 2 ) अपि च संराधने प्रत्यक्षानुमानाभ्याम् । वे. सू. III. 2. 24 ; शंकराचार्य explains ' प्रत्यक्षानुमानाभ्याम् श्रुतिस्मृतिभ्यामित्यर्थः ' and quotes a verse and a half ; the first occurs in Śānti 47. 54 and also in 284. 69 ; ( 3 ) स्मर्यते च । वे. सू. IV. 2. 14 शङ्कराचार्य explains : स्मर्यतेपि च महाभारते गत्युत्क्रान्त्योरभावः-सर्वभूतात्म-भूतस्य सम्यग्भूतानि पश्यतः । देवा अपि मार्गे मुह्यन्त्यपदस्य पदैषिणः ॥ इति...तथा च त तत्रैवोपसंहृतम् । शुक्रस्तु मारुच्छीघ्रां गतिं कृत्वान्तरिक्षगः । दर्शयित्वा प्रभावं स्वं सर्वभूतगतोऽभवत् ॥ इति । The verses are Śānti-parva 262. 32 ( and also 269. 22 and 333. 19-20 ).

378 न ते वागनुता काव्ये काचिदत्र भविष्यति । तस्य बुद्धिरियं जाता वाल्मीकि-र्भावितात्मनः । कृत्स्नं रामायणं काव्यमीदृशैः करवाण्यहम्...समाक्षरैः श्लोक-शतैर्यशस्विनो यशस्करं काव्यमुदारधीर्मुनिः ॥ बालकाण्ड 2. 35, 41 ; आदिकाव्य-मिदं त्वार्ष पुरा वाल्मीकिना कृतम् । युद्धकाण्ड 131. 107 ; कविः कुशलनिब-चकार किल नामतः । ... स्वकृतिं गापयामास कविप्रथमपद्धतिम् । कवेरायस्य शासनात् । रघुवंश 15. 32, 33, 41.



parva (199. 13-15); Ślokas by one who ponders over dharma as in Sautika (I.53-55). Then many ślokas and gāthās are quoted as Ānuvaṁśa or simply as Anuvaṁśam (meaning genealogies handed down in families) e. g. Vanaparva 129. 8 says 'atrānuvaṁśam paṭhataḥ śruṇu me kurunandana' and then quotes two verses. For 'Anuvaṁśam,' vide also Vanaparva 87. 16-17 (*yatrānuvaṁśam bhagavān Jāmadagnyas-tathā jagau*). For Ānuvaṁśa ślokas, vide Ādiparva 95. 8 (for sons<sup>379</sup> of Devayānī and Śarmiṣṭhā).

For other Ānuvaṁśa Ślokas, vide Ādi. 95. 27, 95. 30-31, 95.46 (about Śantanu). In Vanaparva 88. 5 there is an ānuvaṁśya gāthā about Nrga. Sometimes, even itihāsa is spoken of as sung i.e. recited (gīta). The word itihāsa is ancient. It occurs in the Atharvaveda,<sup>380</sup> in the Śatapatha-Brāhmaṇa (XI. 1. 6. 9), in the Brhadāranyaka and Chāndogya Upaniṣads (III. 4. 2, VII. 2. 1 respectively).

The above brief statement is quite enough to show that before the Mahābhārata was composed there were numerous verses handed down in families and that the Mahābhārata utilizes and incorporates a large mass of ballads and bardic verses preserved in many prominent families. The Rāmāyaṇa, on the other hand, is a *Kāvya* and not an *itihāsa* and is confined to the life of Rāma, his brothers and their vicissitudes.

There is another quarter which sheds useful light on the epics. From Pāṇini's sūtras, the Vārtikas thereon and

379 The com. on Vanaparva 129. 8 says अनुवंशं परम्परागतमाख्यानश्लोकम्.

380 Two ślokas are interesting : अत्रानुवंशश्लोकौ भवतः । भस्त्रा माता पितुः पुत्रो येन जातः स एव सः ॥ भरस्व पुत्रं दुष्यन्त मावमंस्थाः शकुन्तलाम् ॥ रेतोधाः पुत्र उन्नयति नरदेव यमक्षयात् । त्वं चास्य धाता गर्भस्य सत्यमाह शकुन्तला ॥ आदिपर्व 95. 30-31. Vide Udyogaparva 33. 103 अत्रैवोदाहरन्तीममितिहासं पुरातनम् । पुत्रार्थमसुरेन्द्रेण गीतं चैव सुधन्वना ॥; then twenty verses follow ; तमितिहासः पुराणं च गाथाश्च नाराशंसीश्वानुव्यचलन् । अथर्ववेद XV. 6. 11 ; अरे अस्य महतो भूतस्य निःश्वसितमेतद्यज्ञवेदो यजुर्वेदः सामवेदोऽथर्वाङ्गिरसमितिहासः पुराणं विद्या उपनिषदः बृहदा. ऋ. II 4. 10, IV 1. 2. IV. 5. 11 ; The महाभाष्य on Pāṇ. IV. 2. 60 and 'आख्यानाख्यायिकेतिहासपुराणेभ्यश्च ऽग्वक्तव्यः' explains एतिहासिकः ( इतिहासमधीते वेत्ति वा इति ऐतिहासिकः ).



Patañjali's Mahābhāṣya we learn a good deal about some of the prominent personages of the Mahābhārata, their associates, enemies and their doings.

There are in the Rāmāyaṇa hardly any Ānuvaṁśya Ślokaḥ referring to Daśaratha or Rāma. According to the Sarvānukramaṇī Rāma, son of Jamadagni, is the seer of R̥g. X. 110. Rāma appears to be the name of some person in R̥gveda X. 93.14. Rāma Mārgaveya is the name of a person of the priestly family of Śyāpariṇa in the Ait. Br. VII. 5. 1.

In Pāṇ. IV. 3. 98 Vāsudevaka,<sup>381</sup> a devotee of Vāsudeva, and Arjunaka (a devotee of or one who likes Arjuna) are derived in the sense of 'bhakti' (IV. 3. 95). In VIII. 3. 95 ('gaviyudhibhyām'<sup>382</sup> sthiraḥ) the name Yudhiṣṭhira, one of the principal personages in Mahābhārata, is mentioned. On Vārtika 7 (bhrātuśca jyāyasaḥ) on Pāṇ. II. 2. 34 ('alpāc-taram') Patañjali states the example 'Yudhiṣṭhirārjunau,' where the word Yudhiṣṭhira is put before Arjuna, though it has four vowels, because of his being the elder. In VI. 2. 38 Pāṇini provides for the accent (*svara*) of 'mahān' occurring in the compound Mahābhārata (along with nine other words). Vārtika 7 on Pāṇ. IV. 1. 85 provides for the name 'Aśvat-thāmaḥ.' Kielhorn brings together (in I. A. vol. XIV pp. 326-27) all the verse quotations (of either whole verses or half verses or *pādas*) cited by Patañjali in the Mahābhāṣya.

381 भक्तिः । वासुदेवार्जुनाभ्यां वुन् । पा. IV. 3. 95 and 98 ; भज्यते सेव्यते इति भक्तिः । सि. कौ. The Mahābhāṣya explains that Vāsudeva is not merely the name of a Kṣatriya but that it is a designation of the Divine.

382 गवि-युधिभ्यां स्थिरः । पा. VIII. 3. 95 ( examples गविष्ठिरः युधिष्ठिरः ). The word 'Bhakti' in the sense of worship occurs in श्वेताश्वतरोपनिषद् VI. 23. The word भक्तिः relates back to सोम्य निवासः ( पा. IV. 3. 89 ) and also reaches forward. Therefore 'bhakti' in 'Pāṇini' has a wider sense than mere worship ; it also means 'resort', 'liking' as in 'Āpupika' ( apūpā bhaktir-asya ), the sense of object of worship is not excluded from the word 'bhakti' in Pāṇini, but that word is larger in meaning than 'worship' in Pāṇini. Therefore, in IV. 3. 95 ( Vāsudevārjunābhyām vūn ) it is quite correct to take 'Vāsudevaka' as meaning worshipper of Vāsudeva, while Arjunaka may mean 'one who has a liking for Arjuna or who worships Arjuna'.

On Pāṇ. IV. 1. 97 (sudhātr-akaṇ ca) the first vārtika is 'Sudhātr-vyāsayoḥ' and we get 'Vaiyāsakiḥ' (as son of Vyāsa) i. e. Śuka 'and Mahābhāṣya on it says Vaiyasakiḥ Śukah'. Some of the verses or their parts are very important and interesting about the heroes of the Mahābhārata. On Vārtika 22 on Pāṇ. II. 2. 24 we have two quotations, viz. 'asidvitiyoṣnusasāra Pāṇḍavam' (he, armed only with a sword, followed the Pāṇḍu hero) and 'Sāṅkarsaṇa-dvitiyasya balam Kṛṣṇasya vardhatām' (in this both Kṛṣṇa and his brother Sāṅkarsaṇa are mentioned). The first quotation (on II. 2. 24) clearly shows that it must have been taken from some work dealing with Pāṇḍava heroes. Another interesting quotation is 'Dhanañjaya raṇe raṇe' on Vārtika 3 on Pāṇ. III. 3. 58. It is well-known that Arjuna was called Dhanañjaya (vide Bhagavadgītā X. 37 'Pāṇḍavānām Dhanañjayah').

On Vārtika 11 on Pāṇ. IV. 2. 104 Patañjali cites the words 'Akrūra-vargyaḥ' and 'Akrūravargiṇaḥ' as well as Vāsudeva-vargyaḥ and Vāsudevavargiṇaḥ. This reminds one of the dialogue between Kṛṣṇa and Nārada reported in Śānti-parva, chap. 81. It appears from that chapter that there was jealousy among the Yādavas.<sup>383</sup> Akrūra and Āhukax were two chiefs among the Andhaka-Vṛṣṇis (verse 8) and Kṛṣṇa was the President of that Saṅgha and that Nārada advises Kṛṣṇa that a saṅgha comes to grief from internal dissensions (verse 25) and that Kṛṣṇa should act in such a way as not to lead to the destruction of the Saṅgha. Pāṇ. (IV. 1. 114) knew the Andhakavṛṣṇis and Kurus and Patañjali on Vārtika 7 cites and explains the words Augrasenya (from Ugrasena of the Andhaka clan), Vāsudeva and Bāladeva (among Vṛṣṇis) and Nākula, Sāhadeva and Bhaimasenya (among the Kuru clan)

383 Ādi. 2 21. 29 shows that Akrūra was a Senāpati of the Vṛṣṇis and was called 'dānapati'. Kṛṣṇa says in Śānti 81. 9-10 'यस्य न स्युर्न वै स स्याद्यस्य स्युः कृत्स्नमेव तत् । द्वाभ्यां निवारितो नित्यं वृणोम्येकतरं न च ॥ स्यातां यस्याहुकाकूरौ किं नु दुःखतरं ततः । यस्यापि च न तौ स्यातां किं नु दुःखतरं ततः ॥'. The com. makes this clear: द्वयोर्महिषयोरिव युध्यतोर्वा रणे मध्यस्थस्य मम महद्दुःखं तथा द्वयोः सुखोऽस्याग्रेषु इत्याह स्यातामिति. Verse 11 is apt: सोहं कितवमातेव द्वयोर्वापि मम मते । एकस्य जयमाशंसे द्वितीयस्यापराजयम्.



from Nakula, Sahadeva and Bhīmasena respectively. Vide also Pāṇ. VI. 2. 34 'Rājanyabahuvacana-dvandvesndhakavṛṣṇiṣu', which refers to several rājanyas among Andhakavṛṣṇiṣu.

From the above brief references in Pāṇini and Patañjali one may affirm that the central story of the Mahābhārata is certainly older by centuries than the story of the Rāmāyaṇa. Reference has been made to the fact that there is a Rāmopākhyāna in Vanaparva (chap. 273-292 containing about 750 verses). It does not completely agree with the present Rāmāyaṇa text. In this Kumbhakarna is said to have been killed by Rāma (Yuddha. 67. 180-181), while in the Rāmopākhyāna it is Lakṣmaṇa who does so (Vanaparva 287.18-19). Besides, in the Śāntiparva (chap. 29) there is a brief reference to Rāma's rule for 11000 years and the ideal happiness of the people under his rule. In the Droṇaparva also Rāma is briefly referred to in the Ṣoḍaśa-rājakiya section (chap. 55-71, that relating to Rāma being chap. 59). Stray references to a few other incidents of the Rāma story may be made here. For example, Rāma being led to pursue the gold-coloured deer; the Śāntiparva refers briefly to the story of Śambūka. The Śalyaparva mentions that Rāma cut off the head of a *rākṣasa* and the Śānti refers to the killing of Rāvaṇa by Rāma through anger (361. 15).<sup>384</sup>

Hopkins refers to certain passages where Vālmīki is mentioned in the Mahābhārata and divides them into two classes. In the first class he puts certain references to Vālmīki as meant for a mere saint (a ṛṣi), as in Sabhā 7. 16, Vanaparva 85. 119, Udyoga 93. 27, Śānti 207. 4 (along with Asita, Devala and many others). In my opinion Anuśāsana 13.8 (where Vālmīki is styled *bhagavān*) belongs to this first category. Then Hopkins mentions 'four passages as referring' directly to the Rāmāyaṇa (vide 'the great Epic of India' pp. 61 ff).

384 असम्भवे हेममयस्य जन्तोस्तथापि रामो लुलुभे मृगाय ॥ सभा. 76. 5 ; भृगुः  
शम्भुके शूरे हते ब्राह्मणदारकः । जीवितो धर्ममासाद्य रामात्सत्यपराक्रमात् ॥  
शान्ति 153. 67 ; पुरा वै दण्डकारण्ये राघवेण महात्मना । ... जनस्थाने शिरः  
श्लिष्टं राक्षसस्य दुरात्मनः ॥ शल्य 39. 9-10.

Before proceeding to examine these four passages relied upon by Hopkins a few words must be said about the present text of the Mahābhārata. There are three elements in it, viz. the bare story of the Pāṇḍava - brothers and their cousins ( usually referred to as Kauravas ), the upākhyānas ( abounding in the Vanaparva and scattered about in other *parvans* also ) concerning gods, sages, brāhmaṇas, kings and others and didactic matter insisting on doing one's duties and the role of *dharma* as in Udyoga 148. 16 'yato dharmastato jayah' and in Kuntī's last message to Yudhiṣṭhira in Āśramavāsika-parva 17.21 'Dharme te dhīyātā budhir-manastu mahad-astu ca' and philosophy ( Sāṅkhya, Yoga, Vedānta ). There was, therefore, great scope at all times for adding stories and didactic matters. Thus the Mahābhārata became very much inflated by additions made at different times. Anyone could add a story by saying 'atrāpyudāharantīmam itihāsam purātanam'. In the Anuśāsanaparvan alone in 25 chapters stories are introduced with these words, apart from several stories introduced in a different manner. Chap. 98 of that parvan is remarkable. There Bhīṣma introduces ( in the words 'atrāpyudāharanti' ) the story of a dialogue between Manu Prajāpati and one Suvarṇa who asks how the practice of the worship of deities with flowers originated and what the rewards of such worship are. Then Manu cites the story ( again with the words 'atrāpyu' etc. ) of the dialogue between Śukra and Bali Vairocana. Two examples may be cited about Rāma story being interpolated by devotees and enthusiasts. In chap. 74 of the Anuśāsana, apart from the evil results of the killing of a cow, the merit issuing from the gifts of cows or gold is praised and the chapter is wound up ( verses 11-14 ) by Bhīṣma who says that he learnt all this from his Upādhyāya to whom it came from the sages, to whom Lakṣmaṇa imparted the story in the forest which Rāma had heard from his father Daśaratha who learnt it from Indra. Another similar example occurs in chap. 137 of the same *parvan*, which names numerous great men of the past that achieved highest worlds by making gifts of various kinds, among whom Rāma ( in verse 14 ), son of Daśaratha, is mentioned as having reached inexhaustible worlds by offerings in *yajñas*.

Not only were tales interpolated but there are several repetitions in the Mahābhārata. A few examples may be noted. There is in Śānti ( chap. 227 ) an enlarged version of



the brief dialogue between Indra and Bali in chap. 223 ; chap. 175 ( dialogue between father and son ) is practically the same as chap. 277. Śalya 38. 39-45 are the same as Vanaparva 83. 116-121. The Śoḍaśarājakiya occurs twice, once in the Droṇaparva ( chap. 55-71 ) and again in the Śāntiparva chap. 29. The story of Āstika occurs twice, in Ādi 13ff and in chap. 48ff again.

The literature known to the Mahābhārata furnishes some data for making a statement about the probable date of the extant text of the epic. But as the present text is very much inflated owing to additions made at different times, it would be impossible to assign definite dates, and references to Vedas and Brāhmaṇa works need not be cited. The six Āṅgas are mentioned in Ādi. 170. 75. In Śānti 342. 38 the Nāighaṇṭuka-padas are mentioned and the word Vṛṣa therein. The Nirukta of Yāska and its explanation of the word ' śipiviṣṭa ' ( which occurs in Rg. VII. 100. 6-7 ) is mentioned in the Śāntiparva.<sup>385</sup> The Nirukta ( V. 8 ) gives the explanation of the word provided by Aupamanyava which is derogatory ( to Viṣṇu ), while Yāska appears to prefer a laudatory sense and applies the word to Viṣṇu ( as Sūrya ), meaning ' in which rays enter on all sides '. The Śānti ( 310. 21-22 ) mentions that Brhaspati knew ( composed ? ) the Vedāṅgas, Bhārgava Nitiśāstra ( politics ), Nārada music ( Gāndharva ), Bhāradvāja archery, Gārgya the doings of *Devargṣis*, Kṛṣṇātreya medicine, and some disputants ( composed ) several *siddhāntas* based on logic ( such as Tārkika, Vaiśeṣika and Kāpila ). It will be stated in the section on Manusmṛti how hundreds of verses are common to the Mahābhārata and the Manusmṛti. In the Anuśāsana we have ( in 47. 35 ) mention of the Śāstra declared by Manu. Itihāsa and Purāṇa are called the fifth Veda as early as the Chāndogya Up. VII. 1. 2-4 and the Śatapatha Brāhmaṇa requires that in the Pāriplava some Purāṇa and Itihāsa passages were to be recited on the 8th and 9th days respectively. Therefore, the numerous references to Purāṇa in the Great Epic are not here set out. It is important to note that a Purāṇa declared by Vāyu is mentioned in Vanaparva ( 191. 16 ). The Svargārohaṇaparva ( 5. 46-47 ) states that there are 18 Purāṇas composed by Kṛṣṇa Dvaipāyana.

385 स्तुत्वा मां शिपिविष्टेति यास्क ऋषिरुदारधीः । मत्प्रसादादधो नष्टं निरुक्तमग्नि-  
जग्मिवान् ॥ शान्ति 342-73.





Upavedas are mentioned in Droṇaparva 202. 75. Dhanurveda is mentioned in Śānti 49. 32, 50. 233 and 167. 31.

The word 'Dharmaśāstreṣu' occurs frequently as shown above ( vide pp. 13, 300-1 ). Individual writers on Dharmaśāstra ( apart from Manu ) are also quoted e. g. Yama in Śānti 82. 31, Aṅgiras ( two verses ) in Śānti 69. 71-73 ; Uśanas on slaying an ātatāyin<sup>386</sup> ( a desperado like an incendiary or a poisoner ) may be killed outright in self-defence.

In Anuśāsana 18. 38 Garga is said to have obtained the knowledge of the sixty-four *Kalās* (arts) and in Śalya-parva 37. 145 Garga is said to have gained on the banks of Sarasvatī knowledge of *kāla* and about the movements of heavenly bodies. Astronomer Garga is assigned to 50 B. C. by Kern ( vide Preface to *Bṛhat-saṃhitā* p. 50 ) and H. of Dh. Vol. V pp. 79 and 592 n 878.

It appears that by the time the Mahābhārata assumed its present form Buddhist and Jain ideas had acquired influence among the people. For example, the Vanaparva<sup>387</sup> ( 181.42-43 ) says 'truthfulness, self-restraint, *tapas*, charity, *ahimsā*, constant adherence to dharma, these are the means (of higher life) among men, not caste nor family.' Śāntiparva says

386 श्लोकौ चोशनसा गीतौ पुरा तात महर्षिणा । ... उद्यम्य शस्त्रमायान्तमपि वेदान्तगं रणे ॥ निगृह्णीयात्स्वधर्मेण धर्मपेक्षी नराधिपः । ... न तेन धर्महा स स्यान्मन्युस्तं मन्युमृच्छति ॥ शान्ति 56. 28-30. Compare मनुस्मृति 8. 348-351 ( where in verse 351 we have the words मन्युस्तं मन्युमृच्छति '.

387 सत्यं दमस्तपो दानमहिंसा धर्मनित्यता । साधकानि सदा पुंसां न जातिर्न कुलं नृप ॥ वनपर्व 181. 42-43 ; न विशेषोस्ति वर्णानां सर्वं ब्राह्ममिदं जगत् । ब्रह्मणा पूर्वसृष्टं हि कर्मभिर्वर्णतां गतम् ॥ शान्ति ० 188. 10 ; सत्यं दानमथाद्रोह आनृशंस्यं त्रपा घृणा । तपश्च दृश्यते यत्र स ब्राह्मण इति स्मृतः । ... शूद्रे चैतद्भवेत्क्षमं ( क्षम ? ) द्विजे तच्च न दृश्यते । न वै शूद्रो भवेच्छूद्रो ब्राह्मणो न च ब्राह्मणः ॥ शान्ति 189. 4 and 8 ; Compare Vanaparva 180. 21, 216. 14-15 ; उद्योगपर्व 43.49 ( य एव सत्यान्नापैति स ज्ञेयो ब्राह्मणस्त्वया ) ; अनुशासन 143. 48-49 ( कर्मभिः शुचिभिर्देवि शुद्धात्मा विजितेन्द्रियः । शूद्रोऽपि द्विजवत्सेव्य इति ब्रह्मा ब्रवीत्स्वयम् ॥ ).



(188. 10) 'there is no difference among the (four) varṇas; this world is Brāhma (belongs to Brahmā), because it was formerly created by Brahmā and was, (later) reduced to different varṇas by their (diverse) actions'. The Śāntiparva announces 'Truthfulness, charity, freedom from hatred and wickedness, humility, kindness and *tapas*,—where these are seen, he is known as brāhmaṇa. If these characteristics are found in a śūdra and these do not exist in a twice-born person then the Śūdra is not a śūdra and the so-called brāhmaṇa is not a brāhmaṇa. This approaches the teaching of the Dhammapada verses 383, 393 (yamhi satyam ca dhammo ca so sukhī so ca brāhmaṇaḥ). Similarly, in Anuśāsana 115 Yudhiṣṭhira asked Bhīṣma 'you have often declared that *ahiṃsā* is the highest dharma and you also said that in śrāddhas the pitrs desire to have flesh offered'. Buddhist vihāras (Vana° 188. 56) had come into existence and Eḍukas (structures over the bones of the dead); are mentioned in Vana-parva (90. 65, 67). A naked Kṣapaṇaka (Digambara Jain) is mentioned in Ādi 3. 126; in Śānti 232. 21<sup>388</sup> the Jain position seems to have been alluded to and also in Āśvamedhika 49. 2. In Ādiparva 70. 46 it is stated that in Kaṇva's hermitage there were leaders of Lokāyatika views along with students of Vedas and Mokṣadharma.

On Pāṇ. III. 2. 111 the Mahābhāṣya cites 'jaghāna Kāmsam kila Vāsudevaḥ' (on Vārtika 2 'parokte ca lokavijñāte prayoktur-darśanaviṣaye') and on Vārtikas 6 and 15 the Mahābhāṣya makes very interesting remarks about Kāmsavadha (the killing of Kāmsa by Kṛṣṇa) described in stories, drawn in paintings and represented in dramas; vide Vol. V. p. 130 notes 329-30 and p. 203 note 521. The Mahābhāṣya asks the question how one can use the present tense (in Kāmsam ghātayati) when Kāmsa was killed in antiquity. That shows that centuries before the Mahābhāṣya works (stories and dramas) had been composed on the killing of

388 एतमेव च नैवं च चोभे नानुभे न च । कर्मस्था विषयं ब्रूयुः सत्त्वस्थाः सम-  
दर्शिनः । शान्ति 232. 21; ऊर्ध्वं देहाद्दन्त्येके नैतदस्तीति  
केचित्संशयितं सर्वं निःसंशयमथापरे ॥ आश्वमे० 49. 2.

Kaṁsa by Kṛṣṇa. That some verses quoted by the Mahābhāṣya are found in the Mahābhārata is shown in the note below.<sup>389</sup>

The date of the Mahābhāṣya is generally accepted to be about 150 B. C.; vide (pp. 75–79 above). It quotes a quarter of a verse stating that some person followed the Pāṇḍava hero with only a sword in his hand and Pāṇini knows the central figures of the great Epic viz. Yudhiṣṭhira and Arjuna. It has been shown above (p. 75) that Pāṇini flourished about 450 to 400 B. C. Therefore, it follows that there were poems about Pāṇḍava heroes and about Kṛṣṇa killing Kaṁsa some time before 400 B. C. Scholars would have to assign 500 B. C. as the latest date for the core of the Mahābhārata.

Another circumstance pointing to the same conclusion is that the Āśv. Gr. mentions “Bhārata-Mahābhārata-dharmācāryāḥ”. The Gr̥hyasūtras belong to the latest phase of the Vedic literature. The mention of Bhārata and Mahābhārata as preceding the Āśv. Gr. would make it very probable that the Mahābhārata was in existence at least just before the end of the Vedic period.

One warning already given by Winternitz in ‘History of Indian Literature’ (Calcutta, 1927 p. 469) and accepted by the late Dr. V. S. Sukthankar (in ‘Epic Studies’ VIII in Kane Festschrift p. 474) with an addition is that ‘when we want to use a stanza for historical and comparative purposes each

389 On Vārtika 6 on Pāṇ. III. 1.26 the examples are: कंसवधमाचष्टे कंसं घातयति बलिबन्धमाचष्टे बलिं बन्धयति. Then on Vārtika 15 on the same sūtra the Mahābhāṣya has ‘इह तु कथं वर्तमानकालता कंसं घातयति बलिं बन्धयतीति चिरहने कंसे चिरबद्धे च बली ।; then Patañjali justifies it in the words ‘अत्रापि युक्ता’ etc.

390 On Pāṇ III. 3. 167 (Kielhorn vol. II. p. 167) we have the half verse कालः पचति भूतानि कालः संहरति प्रजाः; this occurs in स्त्रीपर्व 2.24; on Pāṇ. V. 1.115 the Mahābhāṣya remarks ‘सर्व एते शब्दा गुणसमुदायेषु वर्तन्ते ब्राह्मणः क्षत्रियो वैश्यः शूद्र इति । अतश्च गुणसमुदाय एवं ह्याह’ and quotes a verse; तपः श्रुतं च योनिश्च एतद् ब्राह्मणकारकम् । तपःश्रुतान्या यो हीनो जातिब्राह्मण एव सः ॥’. The अनुशासनपर्व 121.7 has श्रुतं च योनिश्चायेतद् ब्राह्मण्यकारणम् । त्रिभिर्गुणैः समुदितस्ततो वै द्विजः ॥



such stanza must be judged on its own merits'. But life being short, this would be an almost impossible task for one scholar for the one hundred thousand stanzas of the Mahābhārata.

But if we turn to the Rāmāyaṇa, none of the great personages depicted in that epic such as Daśaratha, Rāma, Lakṣmaṇa, Bharata (Rāma's brother), Hanūmat, Sugrīva, Bibhīṣaṇa is mentioned by Pāṇini or in quotations cited in the Mahābhāṣya. Those who want to argue that the present Rāmāyaṇa was known to Patañjali rely on a few matters, such as the reference to Kiṣkindhā and two verses<sup>391</sup> about Vānarasaṁyā in the Mahābhāṣya. These two verses do not occur in the Rāmāyaṇa at all; besides, here 'Vānarasaṁyā' does not necessarily mean an 'army of monkeys'; it may playfully be applied to a crowd or number of monkeys; and moreover such verses illustrating the use of the same root in the *Parasmaipada* and *Ātmanepada* might have been composed by a teacher of grammar for the benefit of his pupils. As there is a parody of Daśaratha, Rāma and Sītā in the Daśarathajāṭaka, it is probable that some decades before 250 B. C. there existed a popular story about these three. Some further remarks will be made in the section on Rāmāyaṇa.

The first of the four passages relied upon by Hopkins is 'api cāyam pura gītaḥ śloko Vālmīkinā bhuvi | na hantavyāḥ striya iti yad-braviṣi plavaṅgama...Pīḍākaram amitrāṇām

391 किष्किन्धा is described as the capital (in Kiṣkindhā-kāṇḍa chap. 25.5) and also a cave (same chapter verse 10 and elsewhere). In modern days it is said to be a village on the north bank of the Tuṅgabhadra near Hampi in Bellary District (Madras State).

Two verses on Vārtika 1 (उपादेवपूजासङ्गतकरणयोः) on Pāṇ. I. 3. 25 (उपान्मन्त्रकरणे) are (Kielhorn's ed. vol. I p. 281): बहूनामप्यचित्ता-  
नामेको भवति चित्तवान् । पश्य वानरसैन्येऽस्मिन् यदर्कमुपतिष्ठते ॥ मैवं  
मंस्थाः सचित्तोयमेषोपि हि यथा वयम् । एतदप्यस्य कापेयं यदर्कमुपतिष्ठति ॥

These illustrate the rule that 'Sthā' with 'upa' takes *Ātmanepada* when it means 'to worship' but if there is no question of worship but there is an action natural to some one if takes only *Parasmaipada*.



yat—syāt kartavyam eva tat' (Droṇaparva 14. 67–68).<sup>392</sup> The criticisms against this citation are several. One is that what is quoted is not a Śloka at all, but only a pāda (quarter) at the most; secondly, the Śloka in the Rāmāyaṇa does not amount to an absolute rule, but there is a counterpoise in the latter half of the śloka; another criticism is that the Mahābhārata itself had already stated in the Ādiparva and Vanaparva the same rule against killing a woman. So it is probable that some interpolator mentioned it in the Droṇaparva to show off his knowledge of the other epic. As regards the 2nd citation I am sorry to say that Hopkins is carried away by his enthusiasm to prove direct quotations from the Rāmāyaṇa in the other epic. In the Rāmāyaṇa, the verse 'rājānam prathamam vindet' does not occur<sup>393</sup> at all. Hopkins is obliged to say that it agrees closely enough in sense and words with the verse in Ayodhyā 67. 11. The verse from Ayodhyā is not *ipsissima verba*'. There is another gratuitous assumption made by him. He thinks that Bhārgava is Vālmīki. Bhārgava means Uśanas. Vide Amarakośa<sup>394</sup> quoted below. Hopkins, in spite of his learning and industry, here forgets that the Śāntiparva (210. 20) ascribes a Nītiśāstra to Bhārgava and among the expounders of Rājaśāstra<sup>395</sup> the Śāntiparva mentions

392 न हन्तव्याः स्त्रियश्चेति यद्ब्रवीषि प्लवंगम । पीडाकरममित्राणां यच्च कर्तव्यमेव तत् ॥ युद्धकाण्ड 81. 29–30 ; Compare अवध्यां स्त्रियमित्याह धर्मसाधर्मनिश्चये । आदि 158. 31 ; अवध्याः स्त्रियः सृष्टा मन्यन्ते धर्मचारिणः । आदि 217. 4 ; vide also वनपर्व 206. 49.

393 आख्याते रामचरिते नृपतिं प्रति भारत ॥ राजानं प्रथमं विन्देत्ततो भार्या ततो धनम् । राजन्यसति लोकस्य कुतो भार्या कुतो धनम् ॥ शान्ति 57. 40–41 ; अयोध्याकाण्ड 67. 11 is 'अराजके धनं नास्ति नास्ति भार्याप्यराजके । इदमत्याहितं चान्यत्कुतः सत्यमराजके ॥' ; राज्येऽसति कुतो धर्मो धर्मेऽसति कुतः परम् । शान्ति० 320. 59.

394 शुक्रो दैत्यगुरुः काव्य उशना भार्गवः कविः । अमरकोश.

395 भार्गवो नीतिशास्त्रं तु जगाद जगतो हितम् । शान्तिपर्व 210. 20. एतत्ते राजधर्माणां नवनीतं युधिष्ठिर । बृहस्पतिर्हि भगवाण्ययं धर्मं प्रसीदति । विशालाक्षश्च भगवान्काव्यश्चैव महातपाः । . . . राजशास्त्रप्रणीतारो ब्रह्मण्या ब्रह्मवादिनः ॥ शान्ति० 58, 1–3.



Kāvya (i.e. Uśanas) and Bhārgava<sup>396</sup> as identical. Vālmīki's name has nowhere been mentioned as that of an expounder of Rājāsāstra. The Rāmāyaṇa itself regards Uśanas (Śukra) and Bhārgava as identical when it describes the auspicious appearances on Rāma's invasion of Rāvaṇa's capital (Yuddha 4.49). Vide above under Kauṭilya's Arthaśāstra where passages from the Mahābhārata on the Rājāsāstra of Uśanas have been quoted. Hopkins misunderstands the verse. What it means is: the life of Rāma was recited to some king by a court poet or possibly by Bhārgava Uśanas himself the expounder of Rājāsāstra, who thereon recited the famous verse 'rājānam prathamam vindet &c,' because the underlying idea of that expounder was 'no king, no dharma nor security'. It is quite possible that both (i. e. Mahābhārata and Rāmāyaṇa) quote from a common source viz. the Rājāsāstra of Kāvya Uśanas which once existed but has not yet been recovered.

The third passage occurs in the Vanaparva, where Bhīma is said to have met Hanūmat on the Gandhamādana but did not recognize him and took him to be a mere ordinary monkey (chapters 146 ff). There he speaks of Hanūmat as his brother and very famous<sup>397</sup> in the Rāmāyaṇa (147. 11). Vālmīki's name is not mentioned in those chapters and this story was probably interpolated later. The Vanaparva is in extent next to the Śāntiparva. These two and the Anuśāsanaparva cover about two-fifths of the whole of the extant Mahābhārata. The 4th passage (quoted in the note below)<sup>398</sup> on which Hopkins relies occurs in the last chapter of the Harivaṃśa (which is a *khila*) and not at all in the text of the Mahābhārata in the Chitrashala edition and others.

The above discussion shows that out of the four passages relied upon by Hopkins one is wrongly interpreted, two are not in the Mahābhārata at all and the remaining one is probably interpolated.

396 उशना च प्रसन्नार्चिरनु त्वां भार्गवो गतः । युद्धकाण्ड 4. 49 (48 in some editions).

397 भ्राता मम गुणश्लाघ्यो बुद्धिसत्त्वबलान्वितः । रामायणेऽतिविख्यातः श्रीमान् नरपुङ्गवः ॥ वनपर्व 147. 11.

398 वेदे रामायणे पुण्ये भारते भरतर्षभ । आदौ चान्ते च मध्ये च हरिः संविद्यते ॥ हरिवंश 132. 95 ( भविष्यपर्व ).



The most puzzling question concerning the *Mahābhārata* is how the members of a polyandrous family became the heroes of the great national epic. Even in the extant epic attempts are made to explain the matter in a supernatural way. In the *Āśramavāsikaparva* it is stated that after the carnage in the great war, Dhṛtarāṣṭra, Vidura, Kuntī (the mother of five Pāṇḍavas), Gāndhārī, Draupadī, Subhadra met together and sages like Vyāsa, Nārada, Parvata and others also came when Dhṛtarāṣṭra complained that he had no sleep and no peace of mind and Gāndhārī requested Vyāsa to vouchsafe to Dhṛtarāṣṭra the sight of his fallen sons. Kuntī told Vyāsa (*Āśramavāsikaparva* chap. 30) how Durvāsas (an irate sage) came to her father (a king) for alms when she was yet a maiden and as she pleased the sage by her assiduous hospitality, he gave her five mantras on repeating any one of which the god addressed in that mantra would come to her. She proceeded to say that when she saw from her father's palace the rising sun, she called him to come by reciting the appropriate mantra; the sun came and she duly requested him to grant her a son, when the Sun's refulgence entered her and she secretly gave birth to a son (later) called Karna, whom she let down in a river. She wanted to see that son whom she abandoned. Then Vyāsa consoled her that she was not to be blamed, that deities enter human bodies, that human limitations do not apply to deities and he recited a verse that everything is pure and wholesome to the strong.<sup>399</sup>

In the *Ādiparva* (chap. 169) a similar story is repeated almost in the same words that a maiden requested God Śaṅkara five times to bestow on her a husband and so he blessed her that she would have five husbands (*pati*) and she became later Draupadī, daughter of king Drupada. *Ādiparva* (197. 35-36 and 44 ff) states the same kind of story, but it is Lakṣmī (in Svarga) who asks five times for a husband.

In *Ādiparva* the question how a polyandrous marriage was allowed in the case of the five Pāṇḍava heroes has been raised and dealt with in chapter 195, verses 27-31. Drupada (father of Draupadī) urges that five brothers should have one wife is *adharma*, it is opposed to the Veda and the *uśan*

399 सर्वं बलवतां पथ्यं सर्वं बलवतां शुचि । सर्वं बलवतां धर्मः सर्वं बलवतां स्वकम् ॥ आश्रमवासिक 30. 24.





of the people. The reply of Yudhiṣṭhira is: 'Dharma is subtle; we only follow the path of our predecessors. I never told a lie nor am I bent on adharma. But my mother says that we five should have the same woman as wife.<sup>400</sup> If one may speculate on the origin of the Pāṇḍavas, it is possible that they hailed from the hilly regions in the Himālayas where polyandry prevailed up to recent times, that they were formidable warriors and made their way in the countries of Kuru and Pāñcāla and married a Pāñcāla princess. The descendants of the Pāṇḍava heroes viz. Parikṣit and Janamejaya are well-known in the Vedic age. The Śat. Br. XIII. 4. 5 and Ait. Br. 35. 1 mention Pārikṣita Janamejaya as a performer of Aśvamedha. Daśaratha, Rāma and their descendants are not spoken of in these ancient works.

In Anuśāsana ( 115. 68-75 ) about fifty ancient kings are named that gave up flesh-eating in Kaumuda ( Kārtika ) month and therefore they went to heaven. These passages of the great epic would have to be assigned at the most to a century or two before the Christian era.

The Rāmāyaṇa ( Ayodhyā 109.34 ) contains a down-right condemnation of Buddha<sup>401</sup> as nāstika ( atheist ) and as a thief and in chap. 108 of the same epic Jābāli is introduced as an atheist who condemns in the presence of Rāma the finer virtues of respect for parents and other relatives, the institution of Śrāddha, condemns those who talk of the other world and asks Rāma not to leave the kingdom in favour of Bharata.

The two epics have in common many striking verses. For example, in the story of the Kapota bird and the *lubdhaka* ( hunter ) where the Kapota burnt itself in order to offer food to the hungry hunter and the female bird, on the death of the male bird, entered fire and killed herself, a fine verse is put in

400 सूक्ष्मो धर्मो महाराज नास्य विद्मो वयं गतिम् । पूर्वेषामनुपूर्व्येण यातं  
वर्त्मानुयामहे ॥ न मे वागनृतं प्राह नाधर्मे धीयते मतिः । एवं चैव वदत्यम्बा  
मम चैतन्मनोगतम् । एष धर्मो ध्रुवो राजंश्चरैनमविचारयन् ।  
195. 29-31.

401 यथा हि चोरः स तथा हि बुद्धस्तथागतं नास्तिकमत्र विद्धि । तथा हि  
शक्यतरः प्रजानां न नास्तिकेनाभिमुखो बुधः स्यात् । अयोध्या 109. 34



the mouth of the female bird in Śāntiparva 148. 6-7.<sup>402</sup> In the Ayodhyākāṇḍa 39. 30-31 Sītā repeats the same verse before Kausalyā when she prepares to go into exile with Rāma. Another famous verse of the propriety of punishing even a *guru* when he becomes conceited, fails to distinguish between what ought to be done or not to be done and who pursues the wrong path<sup>403</sup> occurs in both. The Śāntiparva (in 57.6) says that in former times king Marutta recited an ancient śloka in Brhaspati's treatise in the section on kings (Rājādhi-kāra) and that it is 57.7. Another verse that occurs in both epics is : all collections end in dissolution, all tall things end in falling down, unions end in separation, life ends in death.<sup>404</sup>

The discussions so far held make this clear that the main characters of the Mahābhārata were known long before Pāṇini and that tales relating to Pāṇḍava heroes had been embodied in a work or in works in verse long before Patañjali wrote i. e. that the core of the Mahābhārata existed before 500 B. C. The same cannot be said about the Rāmāyaṇa. There is no evidence to show that the principal characters of the Rāmāyaṇa were known to Pāṇini or even to Patañjali. At the most one can say that the three names, Daśaratha, Rāma and Sītā, were probably known about 250-200 B. C. but not described

402 मितं ददाति हि पिता मितं भ्राता मितं सुतः । अमितस्य हि दातारं भर्तारं का न पूजयेत् ॥ शान्ति 148. 6-7, अयोध्या 39. 30-31 (in this latter the Madras ed. reads माता for भ्राता). It is noteworthy that the Mitākṣarā on Yāj. I. 86 refers to this Kapotikākhyāna, quotes verses 10 and 12 of Śānti 148 and remarks that in the guise of this story Vyāsa recommends 'anvārohaṇa' (burning oneself on the deceased husband's funeral pyre) as most meritorious. I am inclined to hold that it is the author of the Rāmāyaṇa that probably borrows. Rāma was only going to a forest (no question of dying arose) and so the words are not so appropriate in the Rāmāyaṇa as they are in the Mahābhārata.

403 गुरोरप्यवलितस्य कार्याकार्यमजानतः । उत्पथं प्रतिपन्नस्य दण्डो भवति शाश्वतः ॥ शान्ति 57. 7; also in शान्ति 140. 48 (reads शासनम् for शाश्वतः); उद्योगपर्व 178. 48 reads last pāda as परित्यागो विधीयते; कार्यं भवति शासनम् । अयोध्या 21. 13.

404 सर्वे क्षयान्ता निचयाः पतनान्ताः समुच्छ्रयाः । संयोगा विप्रयोगान्ता च जीवितम् ॥ शान्ति 27. 31, 330. 20, स्त्रीपर्व II. 3; अयोध्या 105. 16



as endowed with the qualities they bear in the extant Rāmāyaṇa. Therefore, one may conclude that there was a Bhārata epic long before there was a Rāma epic. From the way in which the Vānaras led by Aṅgada ( Kiṣkindhā 41. 6ff ) among whom were included such doughty fighters as Hanūmat, Nila, Jāmbavat, were directed to go from Kiṣkindhā towards the south in search of Sitā carried away to Laṅkā by Rāvaṇa, one feels that the author did not correctly know the different countries that the Vānaras would have had to traverse before reaching Laṅkā. Sugrīva is said to have told them to go from Kiṣkindhā to the south and one is surprised to read that Sugrīva first mentions the Vindhya mountain with its thousand peaks and immediately afterwards Narmadā ( chap. 41.8 ) and then mentions Godāvarī, Kṛṣṇavenī, Varadā ( 41.9 ), Mekala, Utkala, Daśārṇa towns, Avantī ( 41.10 ), Vidarbha, Vaṅga, Kalinga ( 41.11 ). It is unnecessary to cite more. The present writer is constrained to hold that whoever wrote that chapter was an inhabitant of a place north of the Narmadā ( which springs from Mekala )<sup>405</sup> and knew only the names of towns, rivers and countries without knowing their exact location. The author had probably never been to the island of Ceylon nor knew anything about the distance between India and Ceylon nor had he any idea about the extent of Ceylon. It was all a poetic fancy without any solid basis of known facts, even ancient. Kiṣkindhā is now shown to be a village on the Tūṅgabhadra river in the Bellary District. We know from the Aranyakāṇḍa ( chap. 13 ) that Agastya directed Rāma to have a hut in Pañcavaṭī near Godāvarī and from that place he later went to Rṣyamūka near Pampā where dwelt Sugrīva with four others ( Aranya. 72.11-12 ).<sup>406</sup>

405 Vide Amarakośa which says ' रेवा तु नर्मदा सोमोद्भवा मेकलकन्यका '.

406 Several scholars have written about the location of Laṅkā. Mr. M. V. Kibe locates Laṅkā in central India ( vide ABORI Vol. XVII pp. 371-384; F. W. Thomas presentation Vol. pp. 144-5; J. C. Ghosh in ABORI vol. XIX pp. 84-86; Daniel John in ABORI vol. XXI pp. 270-279 ( who holds that Mr. Kibe is wrong and that Laṅkā must be some island in the midst of the sea off the southern or south-eastern coast of the present island of Ceylon. Mr. G. K. Ramdas holds that ' Rāvaṇa's Laṅkā ' was near Amarakaṇṭaka ( vide I. H. Q. vol. IV pp. 338-346 ). In A. B. O. R. I. Vol. XIX at p. 86 it is pointed out that a portion of Orissa was known as Laṅkā. Shri M. S. Aney in his paper ' The Rāmāyaṇa tradition in the present

It has been shown above that the Rāma story and characters are mentioned in the extant Mahābhārata and the legends and some well-known characters in the Mahābhārata are noted in the extant Rāmāyaṇa. Therefore, all that one can say is that both works have influenced each other. But as the core of the Mahābhārata is much older than that of the Rāmāyaṇa and as the Mahābhārata is four times as bulky as the Rāmāyaṇa, it is the latter that most probably borrowed several matters from the great Epic. It has been demonstrated above that the so-called four direct references in the Mahābhārata to the Rāmāyaṇa put forward by Hopkins are not so and that only one remains, which appears to me to be a later interpolation.

Just as the story of Nala-Damayantī was set out in the Mahābhārata from a tale current in early days, so the Rāma story might have been only a popular tale in the beginning and was later turned into an epic, but the Mahābhārata, if it had directly borrowed from the Rāmāyaṇa, would not have differed from the epic on such an important matter as the killer of Kumbhakarna. Therefore, it is very probable that the Rāma tale was included in the Vanaparva at a time when the Rāmāyaṇa in its present form did not exist. The present writer holds that the Mahābhārata assumed its present form certainly before the Christian era, but how much earlier it is difficult to say.

( Continued from the previous page )

day Ceylon' in the Proceedings of the A. I. O. Conference at Darbhanga ( 1948 ), pp. 206-218 tries to show that Laṅkā is the present Ceylon and supports his view by referring to the Sundarakāṇḍa, Mahāvamśa, Rājāvali and some similar works. I regret that his arguments are far from convincing. In the Sundarakāṇḍa Laṅkā is not an island but is described as the capital of Rāvaṇa situated beyond the sea on the slopes of Trikūṭa and surrounded by a wall as the verses quoted below testify. The Mahābhārata mentions Siṃhala and Laṅkā separately ( Vanaparva 51. 23 *Siṃhalān Barbarān mlecchān ye ca Laṅkānivāsinaḥ* ). The Dipavamśa is the earliest chronicle (about Ceylon) and it is not earlier than the 4th century A. D. and the Mahāvamśa is much later ( 6th century or later ). They are not reliable authorities for events that are supposed to have happened several centuries before Christ.

स सागरमनाधृष्यमतिक्रम्य महाबलः । त्रिकूटस्य तटे लङ्कां स्थितः  
स्वस्थो ददर्श ह ॥ ... समासाय च लक्ष्मीवाँलङ्कां रावणपालिताम् । परिष्कारिणः  
सपद्माभिः सौतपलाभिरलङ्कृताम् । सुन्दरकाण्ड 2. 7-8; तां समीक्ष्य  
राक्षसाधिपतेः शुभाम् । सुन्दर० 3. 13.



Hopkins<sup>407</sup> devotes pp. 386-403 of his work 'The Great Epic of India' to the date of the Epic and summarises his conclusions on pp. 397-398. On p. 398 he says there is no date of the Epic' which will cover all its parts (though handbook makers may safely assign it in general to the 2nd century B. C.). A sizable volume would be required to criticize his remarks on several matters and to expose the hollowness of his hasty and one-sided conclusions. To take only one example at random. He relies (p. 387) on the occurrence of the word *Dināra* in the *Harivaṃśa* which is only a supplement to the *Mahābhārata* and on the fact that in the present text of the Epic (*Ādiparva* chap. 2.82-83) reference is made to the *Harivaṃśa* as a *Khila*, in which are included the deeds of Viṣṇu such as killing Kāṃsa and the *Bhaviṣya* parva, which is a large and wonderful one among *Khilas*.<sup>408</sup> The *Dināra* is not mentioned in the 18 parvans of the *Mahābhārata* (not even in *Śāntiparva* nor in *Anuśāsanaparva*) as Hopkins admits on p. 387. Supposing for a moment that the mention of *dināra* in *Harivaṃśa* is not interpolated, still from the reference to *Harivaṃśa* in *Ādi* I. 2 in general it does not necessarily follow that the writer of *Ādi*. 2 had before him a *Harivaṃśa* containing the word *Dināra*. Besides, his dating about the Introduction of *Dināras* in India is not supported by satisfactory evidence. He states (on p. 387) "for the Roman *denarius* is known to the *Harivaṃśa* and the *Harivaṃśa* is known to the first part of the first book and the last book; hence such parts of this book as recognize the *Harivaṃśa* must be later than

407 Hopkins in 'Great Epic of India' pp 403-445 (Appendix A) sets out 337 cases of parallel phrases in the two Epics. Vide also JOR (Madras) vol. XI pp. 22-26 on the same topic.

408 महाप्रस्थानिकं पर्व स्वर्गारोहणिकं ततः ॥ हरिवंशस्ततः पर्व पुराणं खिल-  
संज्ञितम् । विष्णुपर्व शिशोश्चर्या विष्णोः कंसवधस्तथा ॥ भविष्यपर्व चाप्युक्तं  
खिलेष्वेवाद्भुतं महत् । एतत्पर्वशतं पूर्णं व्यासेनोक्तं महात्मना ॥ आदि 2. 81-83.

The commentator explains the word 'Khila' as follows ; शाखान्तरस्थं  
शाखान्तरे यदपेक्षावशात्पठ्यते तत्खिलमिति वैदिकी प्रसिद्धिः । यथा  
बहुचानां श्रीसूक्तमेधासूक्तादीनां संहिताकाले पाठो दृश्यते । एवमस्मिन्नितिहासे  
यत्पुराणान्तरस्थमाकांक्षावशात्पठ्यते तत्खिलं हरिवंशाख्यमित्याह ।  
एवास्य खिलस्य पुराणमिति विशेषणम् । तथाहि अत्र विष्णुचर्या विष्णुपुराण-  
साकल्येन दृश्यते । एवं भविष्यपुराणकथा च ।



the Introduction of Roman coins into the country (100-200 A. D. )'. He does not mention the evidence on which he bases his conclusion about the exact period of the Introduction of the Denarius in India. For the date of early Denarius coins, vide Pro. of British Academy, Vol. XVIII for 1932 pp. 211-266.<sup>409</sup>

The Romakas are mentioned in Sabhāparva 51.17. One remarkable matter is as follows. The Āpastamba Dh.S. II. 5. 11.5-6 are 'Rājñāḥ panthā brāhmaṇenāsametya' and 'sametya tu brāhmaṇasyaiva panthāḥ'. These two sūtras form the second half of the verse in Vanaparva 133.1 (the first half being 'Andhasya panthāḥ...bhāravāhasya panthāḥ &c ).

Vyāsa or the Mahābhārata has been mentioned in some early inscriptions.

For example, the Pardi plates of Dahra-sena of *Samvat* 207 (probably of the Kalacuri or Chedi era i. e. of 456 A. D. ) ascribes the verse 'saṣṭim varṣasahasrāṇi' &c. ( in E. I. Vol. X. p. 53 ) to Vyāsa. Gupta Ins. No. 31 at p. 137 (the Khoh copper-plate of Mahārāja Śarvanātha dated in 204 of the Gupta era i.e. 533 A. D. ) says 'uktam ca Mahābhārata Vyāsena'.<sup>410</sup> This inscription establishes that long before 530 A. D. the Great Epic was deemed to have one hundred thousand verses composed by Vyāsa. It has been already shown how in Bāṇa's day the Epic was recited to an audience of men and women. Several hundred verses are common to both the Manusmṛti and the Mahābhārata. Commentators of Dharmaśāstra works from early times quote the Mahābhārata. Medhātithi on Manu II. 94 quotes one of Yayāti's verses about Kāma (desire) being insatiable. On Manu

409 That paper shows that formerly it was believed that the Denarius was introduced in 269 B. C. But on a fresh appraisal it is stated (on p. 214) that we may regard 190 B. C. as a close approximation to the true date. On p. 254 it is shown that the first issue of the paper denarius was in 187 B. C. In plate III accompanying the vol. No. 32 is a denarius of 42 B. C. and No. 33 of 99, 94 B. C. Hence Dinarius could have been introduced in India in 150 B. C.

410 On p. 137 (Gupta Inscription No. 31) the Inscription ends with the words 'उक्तं च महाभारते शतसाहस्रं संहितायां परमर्षिणा पराशर-सुतेन वेदव्यासेन व्यासेन । पूर्वदत्तां द्विजाति ... पालनम् ॥ प्रायेण वसुन्धराम् ॥ बहुभिर्वसुधा ... तदा फलम् ॥ षष्टिवर्षसं...नरके वसेत्'.



XI.93 he quotes 'Ubhau Madhvāsavakṣībau' (Udyoga 59.5); on IX.64 he quotes Śānti 63.13<sup>411</sup> that the Śūdra is entitled to three āśramas but not to that of parivrājaka. On Manu VII. 177 he quotes the well-known verse 'na kaścit kasyacit' (quoted above). The Mit. quotes the Mahābhārata or Vyāsa frequently (e. g. on Yāj. I.72,86, 256, III. 6, 250, 258, 300). Aparārka quotes from the Mahābhārata dozens of verses, but the quotations from Vyāsa include many verses on Vyavahāra attributed to Vyāsa which do not occur in the Mahābhārata. The Kṛtyakalpataru sparingly quotes the Mahābhārata. It is unnecessary to refer to other and later digests on the question of the date and text of the Mahābhārata.

When ancient Indians came to Java they brought with them their sacred books. The Mahābhārata soon became most popular among the Javanese. Portions of the Mahābhārata were rendered into old Javanese or Kavi poetry. This work is known as Brata Yuda (modern Javanese) i.e. Bhārata Yuddha. The Kalasan Inscription of the Śaka year 700 (778 A. D.) found in a temple in central Java is the earliest Javanese Inscription written in a North Indian script. It was published by Dr. R. G. Bhandarkar in JBBRAS Vol. VII part 2 from a photograph copy sent to him from Batavia. It opens with a salutation to Tārā, Buddhist goddess. The temple was constructed by the Rājaguru (king's chaplain) of a king of the Śailendra dynasty. It contains twelve verses one of which is quoted below.<sup>412</sup> Sardar K. M. Panikkar's

(Continued from the previous page)

परदत्ता वा...मज्जति ॥ अपानीयेष्वरण्येषु...दायं हरन्ति यं ॥ Vide the list of imprecatory verses from inscriptions set out in H. of Dh. vol. II pp. 1271-77. The above five verses are respectively Nos. 6, 13 (reads नाशुभा), 1, 2, 4 and the last is not in that list. Vide under Manusmṛti about these verses being sometimes attributed to Manu and the criticism of Hopkin's views thereon.

411 'न पृथिव्या व्रीहियवं हिरण्यं पशवः स्त्रियः । नालमेकस्य तत्सर्वमिति मत्वा शमं व्रजेत् ॥'. The Ch. ed. reads this as 'पृथिवीरत्नसम्पूर्णा हिरण्यं ... व्रजेत्'

(आदि 75. 51); आश्रमा विहिताः सर्वे वर्जयित्वा निरामिषम् । शान्ति 63.

412 सर्वानेवागामिनः पार्थिवेन्द्रान् भूयो भूयो याचते राजर्षिहः । न्योयं धर्मसेतुर्नराणां काले काले पालनीयो भवद्भिः ॥ It is the same

(Continued on the next page)





paper on 'Maṇipravāla in Java' in 'Kunhan Raja Presentation volume pp. 65-69' shows how from the 12th century A. D. onwards poems were composed in Java in the local *kavi* language, employed different Sanskrit metres and took over stories from the Sanskrit kāvyas of Kālidāsa, Bhāravi and the episodes in the Mahābhārata and adopted Sanskrit theories of rhetoric and alankāras ( figures of speech ). Several European scholars have worked on this subject. Vide for example, Louis Finot's learned paper in I. H. Q. vol. I pp. 599-622 ( on the geography and chronology of Indian civilization in Indo-China' ) in which he gives the names of several Dutch and French scholars ( as his predecessors in the same field ). He remarks ' India has laid her mark on all the great Eastern countries some of which received a substantial part of their religious and artistic culture from India and others are indebted to her for their very existence as civilized states'. For 'Śrīvijaya', vide 'La Royamme de Śrīvijaya' by G. Coedes mentioned by Finot's paper (p. 619) and Prof. Nilakanta Sastri in 'Bulletin of the 'Ecole de Extreme Orient', Tome XV fasc. 2 pp. 239 ff ( Hanoi ).

The commentary called Bhāratabhāvadīpa of Nilakanṭha Caturdhara ( son of Govinda ) on the Mahābhārata ( printed in the Ch. ed. ) is a learned one. In the opening verses at the beginning of Ādiparva he praises one Lakṣmaṇārya, then two ancestors of his viz. Nārāyaṇa and Dhīreśa who are again named with reverence in Sabhā 1.1 as *Hamīrapurya* ( i.e. residing in Hamirapur ). At the beginning of Udyogaparva he calls himself Lakṣmaṇapadānuga ( following in the footsteps of Lakṣmaṇa ); again on Vanaparva 129. 9 he states that followers of Lakṣmaṇa who was the ornament of a family of persons well-versed in knowledge of *brahman* explains that verse differently. At the beginning of Bhīṣmaparva, chap. 25 ( i.e. the Bhagavadgītā ) he performs an obeisance to Śrīdhara and others as 'sadgurūn'. This Śrīdhara is, it appears, the commentator of the Bhāgavatapurāṇa. On

( Continued from the previous page )

No. 10 on p. 1273 of the H of Dh. vol. II, with this difference that the order of the two halves is reversed and that the underlined are differently read is this ins. namely राजर्षिः for रामचन्द्रः, नराणां for नृपाणां and सर्वानेवागा...न्द्रान् for सर्वमतान् भाविनो भूमिपालान्.



Vana-p. 133. 24 he quotes Mādhava on the five kinds of years (Cāndra, Saura etc.), who is most probably Mādhavācārya, who wrote Kālamādhava. He states that he collected Mss. of the Epic from different parts of India. He quotes Medinīkośa frequently (e.g. on Ādi.47. 11, 140.12, 214.2, Vanaparva 236.10), Yādava on Vana° 260.3, Viśvakośa on Udyoga 40.16 and quotes Viśvalocana on the meaning of 'Cakradhara' in Anuśāsana 162.38, and on the meaning of 'granthikāh' in Āśvamedhika 70.7. He refers to the commentary called 'Viṣamaśloka-vyākhyā' on Vanaparva 82.38 as reading a certain verse there but states it was omitted by later ignorant expositors. On Virāṭaparva 2.9 he mentions the meaning of 'ārālika' given by the author of the com. Viṣamaśloki. He mentions Arjunamiśra's explanation of 'Jārūthyān' in Vanaparva 284.23; on Ādi 170.15 he notes that Devabodha and others read it differently and on the word 'madhuparkikāh' in Droṇaparva 182.2. he gives Devabodha's explanation. On Vanaparva 263.8 he refers to Śaṅkarācārya's commentary on Viṣṇusahasranāma and on Udyoga 42.1 he refers to the commentary of Bhāṣyakāra on Sanatsujātiya; he refers to the Saṅkṣepaśārīraka on Udyoga 43.42; On Bhīṣmaparva 3.13 and 31 he quotes a work called Narapativijaya on astrology; on Śānti 306.8 he mentions a work on Yoga called Yogacintāmaṇi and Bhoja's work on Poetics dealing with 24 guṇas of Śabda (on Śānti 320.87). He quotes a verse of Dattātreyā on Khecari Mudrā (on Āśvamedhika 19.37). In many places he discusses various readings as on Ādi 214.2, Sabhā 16.3 (Gaudapāṭha) and 21.16 (Gaudapāṭha), Vanaparva 239.4 (Gaudapāṭha), discusses three readings on Vanaparva 264.12. On Sabhā 61.9 (where the word 'Ṣaṣṭiviśāradaḥ' occurs) he refers to Śrīdharaśvāmī's<sup>413</sup> com. on Bhāgavatapurāṇa and also on Sabhā° 41.1. He appears to have written a work called 'Vedānta-kataka' and refers to what he says therein on 'Daharādhikaraṇa' (i.e. Brahmasūtra I. 3. 14-21) At the

413 चतुःषष्टिषु कलासु विशारदाः । कलानामानि तु श्रीमद्भागवतदशमस्कन्धे  
कायां श्रीधरस्वामिभिर्दर्शितानि ; । on सभा 61. 9. अत एव श्रीमद्भागवतस्य  
हरिनिन्दाग्रन्थः स्तुतिपरत्वेनैव व्याख्यातः श्रीधरस्वामिभिः । on सभा 41.



end of the Śāntiparva and of Anuśāsana° he enumerates<sup>414</sup> the several teachers (eight in all) under whom he learnt Vedānta, Mahābhāṣya, Veda with its subsidiary lores, logic, Śrauta &c.

He mentions Niruktabhāṣya on Vanaparva 291.70 and also Vedabhāṣya (i.e. Sāyanabhāṣya) on Jarūtha (occurring in Rg. VII. 1.7 and X. 80.3). He appears to have been a Mahārāṣṭra brāhmaṇa. On Udyoga 143.25 he explains 'ekapakṣākṣīcaranāḥ' as 'pāṅkoli' (a bird) in Mahārāṣṭrabhāṣā; on Ādiparva 63.20 he explains 'piṭakaiḥ' as 'petyā iti bhāṣāyām' which is Marathi 'peṭi' or 'petyā'. He refers to the custom of raising a bamboo staff at the end of a year and the beginning of a new one (in Ādi. 63. 18-19) as seen in Mahārāṣṭra and other places. On Sabhā 21.20 he explains the word 'Śṛṅga' as 'Manurā', which is 'Manorā' in present Marathi; on Śānti 87.35 he explains 'gomināḥ' as 'cāraṇas' which is a Marathi word. On Vana° 93.27 he explains 'Kāṭhinānām' as 'Kāṭhi iti Mahārāṣṭraprasiddhaḥ'. Though a Mahārāṣṭrian he knew Yavanabhāṣā as on Sabhā 4.2 he explains that 'Jivantī' is called 'viriji' in Yavanabhāṣā.

As he refers to the Medinīkośa and the Kālamādhava he is certainly later than the 14th century A. D. In 'Indian Culture' vol. I pp. 706-710 it is stated that Arjunamiśra, a Varendra brāhmaṇa who flourished in the latter part of the 13th century is a better commentator than Nilakaṇṭha. Vimalabodha wrote a commentary on the Mahābhārata called Vimalaśloki or Durghaṭārthaprakāśinī, a ms. of which is in possession of the Bhandarkar Oriental Institute (Poona). Vide Gode's paper

- 414 वेदान्ते लक्ष्मणार्यं ऋतुविधिविवृतौ तीर्थ-नारायणार्यं तर्के धीरेशमिश्रान्  
फणिपतिभणितौ पोलगङ्गाधरार्यम् । वेदे साङ्गे पितृव्यं शिवमथ पितरं  
दक्षिणामूर्त्युपास्तौ श्रोते चिन्तामणिं यः शरणमुपगतौ भूम्नि गोपालदेवम् ॥  
( at end of शान्तिपर्व ); गोपालं भूम्नि वेदे शिवमुपनिषदि ब्रह्मविल्लक्ष्मणार्यं  
तर्के धीरेशमिश्रान् फणिपतिभणितौ पोलगङ्गाधरार्यम् । भाट्टे नारायणं यो  
गुरुमकृत ततं दक्षिणामूर्त्युपास्तौ श्रोते चिन्तामणिं च व्यभजत स महाभारते  
दानधर्मान् ॥. ततं appears to have been used for reasons of metre  
instead of the usual word तातं. In the Kaṭhopaniṣad Nachiketas  
asks his father 'तत कर्मै मां दास्यसि' (I. 4) and in the  
112. 3 ( काश्वरहं ततो भिः गुपलप्रक्षिणी नना ).



in Silver Jubilee Vol. of the BORI pp. 146 ff. Vide Dr. Raghavan's paper in Kane Festschrift (pp. 351-355) for some commentators of the Mahābhārata such as Varada, Yajñanārāyaṇa and Ānandapūrṇa (about 1350 A. D.), parts of whose commentaries are found in mss. collections.

The extant Mahābhārata professes that it is removed from the Mahābhārata war only by two generations or so. It was narrated by Vaiśampāyana to Janamejaya who was the great-grandson of Arjuna. The topics regarding the beginning of the Kaliyuga and the astronomical data in the Mahābhārata have been discussed at some length in the 3rd volume of the H. of Dh. pp. 896-923.

The probable date of the Mahābhārata war has been discussed by the present author in H. of Dh. Vol. III pp. 895-923 and Vol. V. p. 849. There are three dates put forward from comparatively early times, viz. 3101 B. C. (the traditional date); (2) that of the Brhat-saṁhitā and Rājatarāṅginī (viz. about 653 of Kali age); (3) that of the Vāyu, Matsya, Brahmāṇḍa and Bhāgavata purāṇas which provide that between the birth of Parikṣit (grandson of Arjuna, the outstanding fighter among the Pāṇḍavas) and the coronation of Nanda there is a period of 1500 (or 1050 or 1015 years, according to various readings in the mss of those Purāṇas). Almost all modern scholars discard the idea that the Mahābhārata was composed a short time after the war. Similarly, the matters in the Śānti and Anuśāsana parvans containing over twenty thousand verses are stated to have been declared by Bhīṣma, who was mortally wounded but lay on death-bed till the sun turned northwards. This was a very helpful camouflage to insert into the Epic any matter deemed worthy of being put in. In the Parvasaṅgrahaparva (Ādi. 2.325-331) it is stated that in the Śāntiparva there are 329 *adhyāyas* (chapters) and 14732 verses and in Ādi. 2.331-338 it is stated that in the Anuśāsana-parva there are 146 *adhyāyas* and 8000 verses. In the Chitrashala edition there are 365 chapters in the Śāntiparva and 168 in the Anuśāsana-parva. Thus the chapters in the two parvans (in the present text) exceed the number of chapters stated in Ādiparva, chap. 2. It is possible that later redactors arranged the chapters differently for various reasons. In the Śāntiparva the longest *adhyāya* (138) has 221 verses, then comes chap. 284 with 208 verses. On the

other hand the shortest chap. of Śāntiparva is 363 (of six verses only), chapters 353 and 365 have only nine verses each, while some chapters (such as 129, 136, 304, 352) have only eleven verses. A few chapters like 192, 338, 342 have a few verses and also long prose passages. I have calculated the verses in the Śāntiparva and they come to about 13200 or so in the Chitrashala edition, but if one takes into account the prose passages (and calculates them as versified with 32 letters in each verse), then there would not be much divergence in the number of ślokas. Vide C. V. Vaidya's 'Mahābhārata: a criticism', Appendix, note one, for the total of chapters and ślokas in the 18 parvans and the khila Harivaṃśa stated in the Parvasaṅgrahaparva and in the Bombay edition. They are respectively 96836 and 95826 ślokas. Therefore, the reputed extent of the Mahābhārata even in early inscriptions (the Khoh plate of 533 A. D.) viz. one hundred thousand is only approximate; vide Dr. Sukhtankar's paper in ABORI, Silver Jubilee Volume, (1943) pp. 549-558 for remarks on the figures mentioned in the Parvasaṅgrahaparva.

The Mahābhārata not only repeats tales but also single verses of its own e.g. Śānti, chap. 231.31 repeats Gītā 8.17 (sahasrayuga°), chap. 251.9 is the same as Gītā (II.70, āpūryamāṇam), chap. 312.14 (sarvataḥ pāṇi°) is same as Gītā 13.13; Vanaparva 189.27 (yadā yadā ca dharmasya) is the same as Gītā IV. 7.

In the two epics genealogies of ancient kings occur frequently and it is impossible to reconcile all of them. A few simple examples may be cited. The Manusmṛti (in I.) claims that Brahmā first (I.32) created Virāj who created him (Manu) and he (Manu) created (I.35) the great sages (Marīci, Atri, Aṅgiras, Pulaha, Pulastya, Kratu, Pracetas Vasiṣṭha, Bhṛgu and Nārada) and they created the seven Manus (I.36) and the world was created by them. If we turn to the Mahābhārata, the Anuśāsana (chap. 2.5 ff) tells us that Manu Prajāpati's son was Ikṣvāku, who had one hundred sons of whom Daśāśva was the 10th. But the Vanaparva (in chap. 201-202) speaks of Ikṣvāku, his son Śaśāda (who ruled in Ayodhyā), his son Kakustha, his son Anenas, whose son was Prthu-whose son was Viśvagaśva, whose son was Adṛi whose son was Yuvanāśva and so on. In the Āśvamedhīparva (chap. 4) the genealogy is (in Kṛtayuga) Manu-son (Kṛtan-

dhi-son Kṣupa-son Ikṣvāku (chap. 4.3-14). If we now turn to the Rāmāyaṇa, chap. 110 of the Ayodhyākāṇḍa furnishes a long pedigree (in verses 5-34) as follows : Brahmā-Marīci-Kaśyapa-Vivasvat-Manu Vaivasvata Prajāpati-Ikṣvāku (the first king of Ayodhyā)-Kukṣi-Vikukṣi-Bāṇa-Anaraṇya-Prthu-Trisanku-Dhūndumāra-Yuvanāśva-Māndhātṛ-Susandhi-Dhruvasandhi-Bharata-Asita-Sāgara-Asamañja-Amśumān-Dilīpa-Bhagīratha-Kakustha-Raghu-Pravṛddha-Kalmāṣapāda-Śaṅkhana-Sudarśana-Agnivarna-Sighraga-Maru-Prasūśruva-Ambarīṣa-Nahusa-Nābhāga-Aja-Daśaratha-Rāma. This pedigree contradicts the one in Manusmṛti (I.34-35) set out a little above, where Marīci is one of the ten sons of Manu. Let us now turn to the Raghuvamśa, where (in I.11-12) it is stated that Vaivasvata Manu was the first king, that among his descendants was king Dilīpa, whose son was Raghu whose son was Aja whose son was Daśaratha. It should be noted that in the Ayodhyākāṇḍa two kings intervene between Dilīpa and Raghu and between Raghu and Aja ten kings are named. Hence it follows that the Ayodhyākāṇḍa pedigree is either an inflated one or that Kālidāsa had a different pedigree before him at least from Dilīpa downwards or that Kālidāsa was not aware of the longer pedigree. From the Raghuvamśa itself it appears that Kālidāsa knew the story of Sāgara as an ancestor of Rāma and the story of his Aśvamedha horse being carried to the bottom of the earth and the digging of the earth for finding it and the ocean being filled with the waters of Ganges (Raghu. XIII. 31); he also knew the story of Bhagīratha taking the Ganges from the matted hair of Śiva (Raghu IV.32) to the earth and of Kakustha being a descendant of Ikṣvāku (Raghu VI. 71). It is not unlikely that a very long pedigree was manufactured for the glory of the family of Rāma and Kālidāsa was not prepared to accept it in its entirety. It may be noted that Bāṇa in the Harsacarita (6th ucchvāsa p. 38 of my edition) holds that Raghu was the son of Dilīpa.

Both the epics inspired many later writers to compose Sanskrit dramas based on the characters and the various stories contained in them. The Daśarūpaka<sup>415</sup> recommends

415 इत्याद्यशेषमिह वस्तुविभेदजातं रामायणादि च विभाव्य बृहत्कथां च ।  
त्रयेत्तदनु नेतृरसानुगुण्याच्चित्रां कथामुचितचारुवचःप्रपञ्चैः ॥ दशरूपक. I. 67



that intending dramatists should rely upon the Rāmāyaṇa and the Br̥hatkathā for plots. Dr. V. Raghavan recently published a work on 'Some old lost Rāma plays' (Annamalai University, 1961).

It appears from Kauṭilya's Arthaśāstra that it knew the central story of the Mahābhārata and that of the Rāmāyaṇa. For example, on I. 6. 8 (Arthaśāstra) it is stated that Rāvaṇa perished since he did not restore another's wife owing to pride and Duryodhana perished because he on account of pride did not agree to give a portion of the kingdom. In Arthaśāstra VIII. 3. 41-43 reference is made to Jayatsena and Duryodhana winning in gambling because of expertness in it and Nala and Yudhiṣṭhira lost in gambling. In the Mahābhārata, however, Nala's opponent is said to have been Puṣkara (and not Jayatsena). There is little to show that the Arthaśāstra refers to literary works like the Mahābhārata and the Rāmāyaṇa and not to tales current among people in its day.

The Mahābhārata is predominantly a Vaiṣṇavite work and contains two of the five jewels of Vaiṣṇavism viz. the Gītā and the one thousand names of Viṣṇu (in Anuśāsana-parva 149. 14-120).

But it is not at all so thoroughgoing in its dogma as are some medieval South Indian works of the 11th and later centuries A. D. The Anuśāsana (17. 31-153) contains 1008 names of Śiva also. In many places the identity of Śiva and Viṣṇu is emphasized as in Vanaparva and Śāntiparva.<sup>416</sup> There are grand eulogies of Śiva in Droṇaparva 80. 39-48 and Sauptikaparva 17 (this last by Kṛṣṇa). In Anuśāsana (16.8) Śiva is identified with *Brahman*.

416 शिवाय विष्णुरूपाय विष्णवे शिवरूपिणे । दक्षयज्ञविनाशाय हरिरुद्राय वै नमः ॥ वनपर्व 39. 76-77 ; vide also शान्ति 342.33 यस्त्वां वेत्ति स मां वेत्ति यस्त्वामनु स मामनु । नावयोरन्तरं किञ्चिन्मा ते भूदबुद्धिरन्यथा । निष्कलं सकलं कृत्य-निर्गुणं गुणगोचरम् । योगिनां परमानन्दमक्षरं मोक्षसंज्ञितम् ॥ अनुशासन 16. 8. Compare निष्कलं निष्क्रियं शान्तं निरवयं निरञ्जनम् ॥ अमृतस्य परमं धेनुं दग्धेन्धनमिवानलम् ॥ श्वेताश्व० VI-19; ज्ञानप्रसादेन विशुद्धसत्त्ववशात् पश्यते निष्कलं ध्यायमानः ॥ मुण्डकोप. III 1. 8.





The Mausalaparva<sup>417</sup> (chap. 7) narrates that, after Kṛṣṇa passed away, Arjuna went alone to Dvārakā in order to bring his wives and the Yādava women to the Pāṇḍava capital, that Arjuna was attacked by the Ābhīras on his way and the Ābhīras forcibly carried away many ladies and *some went with them of their own free will*. Moreover, in Śalya-parva 61. 28 ff,<sup>418</sup> where Duryodhana, being mortally wounded by a mace stroke on the thigh by Bhīma, severely upbraided Vāsudeva for the breaches of the rules such as putting up Sikhaṇḍin against Bhīma and Yudhiṣṭhira's prevarication about the death of Aśvatthāmā. Then Vāsudeva referred to Duryodhana's evil deeds (verses 42-47), such as not giving a share to Pāṇḍavas in the paternal estate, poisoning Bhīma, trying to burn Pāṇḍavas together with their mother in 'jatugrha', taking by force Draupadī to the Sabhā when she was in her monthly period, assault on the very young Abhimanyu by many of Duryodhana's partisans, and added that he was killed for all these misdeeds. The text says that the gods showered flowers on Duryodhana and Gandharvas played on musical instruments &c. (verses 55-58). If the great epic had been a thoroughgoing Vaiṣṇava work these incidents would not have been mentioned by it.

A few passages<sup>419</sup> common to two or more works with slight variations from among (Arthaśāstra of Kauṭilya, Mahābhārata, Manu, Mahābhāṣya, and Rāmāyaṇa are here set out and some have already been mentioned above).

417 मिषतां सर्वयोधानां समस्ताः प्रमदोत्तमाः । समन्ततोऽवकृष्यन्त कामाद्यान्याः प्रवव्रजुः ॥ मौसल० 7. 59.

418 दुर्योधनो वासुदेवं वाग्भिरुग्राभिरार्दयत् । कंसदासस्य दायाद न ते लज्जास्त्यनेन वै ॥ अधर्मेण गदायुद्धे यदहं विनिपातितः । ऊरू भिन्धीति भीमस्य स्मृतिं मिथ्या प्रयच्छता । ... शिखण्डिनं पुरस्कृत्य घातितस्ते पितामहः । अश्वत्थाम्नः सनामानं हत्वा नागं सुदुर्मते ॥ आचार्यो न्यासितः शस्त्रं० । शल्यपर्व 61. 27-32.

419 (1) नास्य गुप्ति-कौ. I. 15.60, मनु VII. 105, शान्ति 140.24.

(2) नित्यमुद्यतदण्डः स्यात्-इत्याचार्याः । कौ. I. 4. 5-6, मनु. VII. 102-3, आदि 140. 6-7, शान्ति 140. 7-8.

(3) मात्स्यन्यायः-कौ. I. 4. 13, I. 13. 5, शान्ति 15. 30, 67. 16, मनु VII. 102.

(4) संवत्सरेण पतति०- मनु XI. 180, शान्ति 165. 37.

(Continued on the next page)



## THE RĀMĀYAṆA

It is remarkable that an Italian scholar G. Gorrecio, published the text of the Rāmāyaṇa in five volumes ( the first being published in 1843 A. D. with a long Introduction of 143 pages and the Uttarakāṇḍa being omitted ) and five more volumes of translations, Prefaces and Indexes, the 10th volume being published in 1858 A. D. The Rāmāyaṇa has been edited in several places e. g. by the Gujarati Press of Bombay in seven volumes ( with three commentaries ) and by the Nirṇaya-sāgara Press (text in two volumes ) in 1905. A critical edition of the Rāmāyaṇa on the lines of the Poona critical edition of the Mahābhārata was undertaken at Baroda and so far the first three kāṇḍas have been issued. In the present edition of the H. of Dh. the one volume edition of the text of the Rāmāyaṇa published by Mr. R. Narayanaswami Aiyar and edited by a committee of four scholars in 1933 and based on four palm-leaf mss. and several printed editions has been used.

There are several recensions of the Rāmāyaṇa, three being well-known, viz. the Southern represented by the Gujarati Press edition in seven parts and the Nir. edition in two parts, the Bengali recension ( represented by Gorrecio's edition ) and North-western recension represented by the edition of the Rāmāyaṇa published by the D. A. V. College, Lahore in 1923 ff. The Southern recension is the most widely spread of the three. Jacobi found differences in these recensions and classified them and arrived at the following conclusions :— ( 1 ) Each recension differs from both or one of the other two in the common verses, the Southern recension

( Continued from the previous page )

- ( 5 ) एकं हन्यान्न वा हन्यादिषुः क्षितो धनुष्मता । प्राज्ञेन तु मतिः क्षिता हन्याद्-  
भगवानपि ॥ कौ. X. 6. 51, उद्योग. 33. 43.
- ( 6 ) इन्द्रस्य हि स प्रणमति यो बलीयसो नमतीति भारद्वाजः । कौ. XII. 1-2 ;  
उद्योग. 34. 37 and शान्ति. 67. 11 ( इन्द्राय स प्रणमते नमते यो बलीयसे ॥ ).
- ( 7 ) कल्याणी बत गाथेयं लौकिकी प्रतिभाति मे । एति जीवन्तमानन्दो नरं वर्ष-  
शतादपि ॥ सुन्दरकाण्ड 34. 6, युद्धकाण्ड 129. 2 ( Gorrecio's ed. 128. 2 ) ;  
the महाभाष्य quotes the quarter एति जीवन्तमानन्दः on P. 13. 42  
( Kielhorn vol. I. p. 277 ) and on III. 1. 67 वार्तिक 5 ( Kielhorn  
vol. II. p. 59 ).



having the more original text ; ( 2 ) each recension has a good number of verses, longer passages and sometimes whole cantos which are not found in one of the other two recensions or in both the other recensions ; ( 3 ) the sequence of the verses is often different in two or sometimes in all three recensions. Jacobi found that in the first 30 cantos of Kiṣkindhā 749 verses were common out of a total of 1303 verses in Southern recension and 1228 in East Bengal recension. Prof. C. Bulcke finds that of the 4202½ verses of the N. W. version of Sundarākāṇḍa, 31 percent are absent from the Bengal version and 28 percent from the Southern Recension and 13 percent exclusively belong to the N. W. recension ( vide Poona Orientalist, vol. 25 at p. 37 ) and adds that the narrative changes very little and that the additional verses are often due to repetition of laments, consolations and fuller descriptions of events already narrated. He advances the plausible theory that all three recensions were reduced to writing independently on the basis of a text which had been transmitted orally for several centuries by professional singers who had committed the poem to memory. Prof. C. Bulcke ( of Allahabad University ) in his careful paper on the ( three Rāmāyaṇa recensions ) examines these divergences in the recensions ( in J. O. R., Madras vol. 17 pp. 1-32 ) and arrives at the conclusion that, in spite of the divergences the subject matter of the Rāmāyaṇa viz. the narrative itself has been changed very little. He examines 152 cases from the seven *kāṇḍas* and shows, (A) how in some cases the subject matter occurring in the Southern recension is absent from one recension or from both of the other recensions ; (B) the subject matter not found in the Southern recension is in some cases present in one or both of the other recensions ; and lastly (C) there are other differences among the three recensions which cannot be classified under either A or B. He points out places where entire *sargas* or fairly long passages are not present in all the recensions even if they do not contain any new subject matter.

A few striking illustrations of the divergence in the three recensions may be cited here :

1 In the Bālakāṇḍa, the auspicious conjunctions of the planets in certain signs of the Zodiac ( Rāsis ) at the birth of Rāma and his brothers occur in the Southern recension but



are absent in the other two;<sup>420</sup> (2) a long poetic description of the Ganges in Ayodhyā (50. 13-24) is absent in the other two recensions; (3) the condemnation of Buddha as *nāstika* (atheist) and as resembling a thief occurs in Ayodhyā (chap. 109.34) in Southern recension but is absent in Gorrecio's ed. and the whole chap. is absent in N. W. recension; (4) Two *sargas*, 62 and 63, of Aranyakāṇḍa (in S. recension) are absent from both Bengal and N. W. recensions; (5) a group of six *sargas* (10-15) in Yuddha-kāṇḍa in S. recension is entirely absent from the Bengali recension and partly from N. W. recension.

Many of the quotations from the Rāmāyaṇa in medieval digests are not found in the current editions of the epic, e.g. the Dānasāgara of Ballālasena, king of Bengal (composed in śake 1091 i.e. 1169-70 A.D.) quotes four verses from the Rāmāyaṇa of which only one is found in the Yuddhakāṇḍa (18.30), acc. to Mr. Bhabtosh Bhattacharya in his paper on 'The Rāmāyaṇa and its influence on Ballālasena and Raghu-nandana' in J. O. I. (Baroda) vol. II (pp. 18-22). Vide Dr. Bhabatosh Bhattacharya's 'Studies in Dharmasāstra' published in 'Indian Studies' (past and present) in 1964, in which he gives a list of verses from Rāmāyaṇa in seven digests (from Dānasāgara and others) which can be identified (pp. 53-55) and

- 420 ततश्च द्वादशे मासे चैत्रे नावमिके तिथौ । नक्षत्रेऽदितिदैवत्ये स्वोच्चसंस्थेषु पञ्चसु । ग्रहेषु कर्कटे लग्ने वाक्मताविन्दुना सह । प्रोद्यमाने जगन्नाथं सर्वलोकनमस्कृतम् । कौसल्याजनयद्रामं... ॥ पुष्ये जातस्तु भरतो मीनलग्ने प्रसन्नधीः । ... सार्पे जातौ च सौमित्रौ कुलीरेऽभ्युदिते रवौ । बालकाण्ड 18. verses 8-10, 13-14. Aditi is the presiding deity of (Punarvasu nakṣatra), Sarpāḥ (serpents) of Āśleṣā; Karkāṭa (and Kulira also) is Cancer sign and Mina is 'Pisces'; the *ucca* Signs (signs of exaltation) are Meṣa, Vṛṣabha, Makara, Kanyā, Karkāṭa, Mina and Tulā and are respectively the *ucca* signs of the Sun, the Moon, Mars, Mercury, Jupiter, Venus and Saturn. For the horoscope of Rāma and his brothers as described in the Rāmāyaṇa, vide the present author's paper in J. O. I. (Baroda) vol. I pp. 5-7; vide the Ayodhyā Kāṇḍa (15. 3) where there is a reference to the Karkāṭaka sign 'उदिते विमले सूर्ये पुष्ये चाभ्यागतेऽहनि । लग्ने कर्कटके प्राप्ते चन्द्रे (v. l. जन्म) रामस्य च स्थिते ।' (the Madras ed.) should be noted that the astrological details about five planets being in exaltation (*ucca*) are associated in the Raghuvaṃśa (10. 13) with the birth of Raghu and not at all with the birth of Ravana (Raghuvaṃśa X. 66-67).

another list on pp. 55-56, where verses quoted as from Rāmāyaṇa in the same works cannot be identified. In another paper on the Rāmāyaṇa and its influence upon the medieval digests of Eastern India Dr. Bhabatosh Bhattacharya shows that the early medieval works like the Hāratalā of Aniruddha and the three Ratnākaraś of Caṇdeśvara on Kṛtya, Gr̥hastha and Vivāda, quote the Rāmāyaṇa sparingly, e. g. Aniruddha quotes only five verses and the Ratnākaraś quote only four verses and that it is only the later medieval works such as the three out of the four Kaumudis of Govindānanda that quote fourteen verses from the Rāmāyaṇa, most of which are found in all recensions of the Rāmāyaṇa and the Rājadharmakaus-tubha of Anantadeva quotes in all 39 verses from the Rāmāyaṇa but many of these verses do not tally exactly with the three recensions of the Rāmāyaṇa.

It should be noted that the Uttarakāṇḍa shows no difference worth mentioning. Therefore, it may be assumed that that kāṇḍa is not only the work of later interpolators, but it must have been composed after the original poem was bifurcated into the Southern recension and Northern recension. The Mahābhārata narrates the Rāma story in Vanaparva (chap. 273-292) in about 750 verses. It may be noticed that some of the incidents mentioned in the Uttarakāṇḍa occur in the Raghuvamśa of Kālidāsa. For example, Rāma's spy called Bhadra was ordered by Rāma on his return to Ayodhyā after the destruction of Rāvaṇa and his forces to report what was talked in the capital and the kingdom by the citizens and other people about himself (Rāma), about Sītā and about his brothers (Uttara. chap. 43. 4-6). Then, Bhadra, after repeating what people said about Rāma's exploits, stated that people talked disparagingly about taking back Sītā, whom Rāvaṇa had placed on his lap when carrying her away and had imprisoned in the Aśokavanikā and that the subjects remarked that they would have to endure, if similar incidents happened in the case of their wives.<sup>421</sup> In the

421 अङ्गमारोप्य तु पुरा रावणेन बलाद्धताम् । लङ्कामपि पुरा नीतामशोकवनिकां  
गताम् । रक्षसां वशमापन्नां कथं रामो न कुत्सेते । अस्माकमपि दारेषु सहनीयं  
भविष्यति । यथा हि कुरुते राजा प्रजा तमनुवर्तते । उत्तरकाण्ड 53. 16-19  
Compare 'स किंवदन्तीं वदतां पुरोगः स्ववृत्तमुद्दिश्य विशुद्धवृत्तः । सपां  
राजोऽरुभुजे (ऽपसर्प) पप्रच्छ भद्रं विजितारिभद्रः ॥' रघु. 14. 31.

Raghuvamśa (14.31) also the spy is called Bhadra. It is clear that Kālidāsa knew the Uttarakāṇḍa. The Raghuvamśa in chapter 15 closely follows the Uttarakāṇḍa. A few incidents may be set out. Raghu<sup>c</sup>. 15. 81-84 may be compared with Uttarakāṇḍa 97. 15-17. Compare also Raghu. 15.87-90 with Uttara<sup>o</sup> chap. 100, Raghu 15. 89-90 with Uttara<sup>o</sup> chap. 101-102, Raghu. 15. 92-95 with Uttara<sup>o</sup> 103-5, Raghu 15. 97-98 with Uttara<sup>o</sup> 107. Kālidāsa in Raghu (14.70) echoes the very words of the Rāmāyaṇa (Bālakāṇḍa<sup>422</sup> 2. 18 and 40).

It should be noted that at the end of the Yuddhakāṇḍa there is a long *phalaśruti* about the fruits of reading it and there is another at the end of the Uttarakāṇḍa also.<sup>423</sup> Besides, the first canto of the Bālakāṇḍa gives a synopsis of the whole of the Rāmāyaṇa up to Rāma's becoming a king after returning from his victory over Rāvaṇa, in which there is no reference to the subject matter of the Bālakāṇḍa or of the Uttarakāṇḍa. Then, again, in the 3rd chap. of the Bālakāṇḍa there is a summary of events from Rāma's birth up to his abandonment of Sitā. It follows that even at the time of this second table of contents the Uttarakāṇḍa had not come up to its present form. Dr. Bulcke is not right when he says (on p. 41 of his paper in Poona Orientalist Vol. XXV) that Lakṣmaṇa was unmarried as Rāma says in Aranya-kāṇḍa (18.3). The learned writer forgets that Rāma was making fun of Śūrpaṇakhā who wanted Rāma to marry her and therefore he (Rāma who had Sitā with him) jocosely said that Lakṣmaṇa (unaccompanied by a woman) was unmarried and that she might approach him. But this was all spoken in fun, as is made clear by the word '*parihāsāvicaṣṇā*' applied to Śūrpaṇakhā (not clever enough to understand the ridicule and the joke). Bālakāṇḍa, chap. 73 verses 30-33 specify the names of the wives of Rāma and his brothers and Ayodhyā chap. 118.53 expressly says that Urmilā was married to Lakṣmaṇa.

422 निषादविद्धाण्डजदर्शनोत्थः श्लोकत्वमापद्यत यस्य शोकः । रघु० 14. 70 ; Compare चालकाण्ड 2. 18 शोकार्तस्य प्रवृत्तो मे श्लोको भवतु नान्यथा । and 2. 41 सोनुव्याहरणादयः शोकः श्लोकत्वमागतः ।

423 Vido युद्धकाण्ड chap. 131 (Madras ed.) verses 111-124 and chap. III verses 11-25 for *phalaśruti*’.



The Rāma story is frequently alluded to in the extant Mahābhārata. The story of the golden deer<sup>424</sup> (Mārīca) whose beautiful skin Sitā longed to have (Aranyakāṇḍa, chap. 43-44) is referred to in the Sabhāparva 76.5. The Vana-parva (chapters 147.31 to 148.19) summarizes the Rāma story and ends with the verse that Rāma ruled the kingdom for eleven thousand years. This verse occurs in the Rāmāyaṇa also (Yuddha 131.106). The Droṇaparva (chap. 59) describes the excellence of Rāmarājya. The Droṇaparva (196.36) compares the death of Droṇa to the death of Vālin. A large volume would have to be written if one were to deal with all questions relating to the two epics. I hold that there is no doubt that there existed a Bhārata Epic before there was a Rāmāyaṇa (Vide 'the Great Epic of India' by Hopkins, as he says on p. 61). Jacobi's German work on the Rāmāyaṇa has been translated into English by Dr. Ghoshal piecemeal in the Volumes of the Journal of the Oriental Institute, Baroda, in vol. V onwards.

In the Śalyaparva (39.9-10) reference is made to the cutting of the head of a rākṣasa by Rāma in Janasthāna. In the Śāntiparva<sup>425</sup> is mentioned the story of the return to life of a brāhmaṇa boy (who had died prematurely) when Rāma killed Śambūka, a śūdra practising penance. The Śāntiparva speaks of the death of Rāvaṇa at the hands of Rāma who was angered by Rāvaṇa.<sup>426</sup> The Droṇaparva compares the fight of Ghaṭotkaca and Alāyudha with the fight of Rāma and Rāvaṇa (96.27-28).

All verse quotations in the Mahābhāṣya are collected in one place by Kielhorn in I. A. vol. 14 the pp. 326-327

- 424 असम्भवे हेममयस्य जन्तोस्तथापि रामो लुलुभे मृगय-सभा. 76. 5; दश-  
वर्षसहस्राणि दश वर्षशतानि च । राज्यं कारितवान् रामस्ततः स्वभवनं गतः ॥  
वनपर्व 148. 19; द्रोणपर्व 59. 21-22 (2nd half is सर्वभूतमनःकान्तो रामो  
राज्यमकारयत्); दशरथजातक (p. 130) has दसवत्ससहस्सानि सठ्ठि वत्स-  
सतानि च । कम्बुगीवो महाबाहु रामो रज्जं अकारयति । verse 93.
- 425 श्रूयते शम्बुके शूद्रे हते ब्रह्मणदारकः । जीवितो धर्ममासाद्य रामात्सर्व-  
पराक्रमात् ॥ शान्ति 153. 67.
- 426 रोषस्य हि दशं गत्वा दशग्रीवः प्रतापवान् । तथा शक्रप्रतिस्पर्धी हतो रामेण  
संयुगे ॥ शान्ति 360. 15.





Another question much discussed by some Western scholars is the relation of the Rāmāyaṇa to the Daśarathajātaka. Reasons of space prevent any detailed discussion. The Daśarathajātaka ( No. 461 in Fausböll's edition, vol. IV ) is a travesty of the Rāma story. In it Sītā is a *sister of Rāma*, Daśaratha is a king of Benares ( and not of Ayodhyā ) who is said to have had 16000 wives and Sītā ( a sister ) is made queen after Rāma's return from the forest. There is nothing peculiarly Buddhist in it. The Jātakas form a later part of the Pali literature. Rhys Davids in 'Buddhist India' furnishes a chronological table of Buddhist literature from Buddha's times to Aśoka and divides it into ten groups of which the Jātakas and Dhammapadas form the 7th. The Jātakas are not earlier than 250 B. C. and may be later by a century or more. It is not unreasonable to suppose that the germs of most of the Jātaka stories were derived from the folk-lore of India existing in those times. They are meant to glorify Buddha in his supposed previous existences and, while using well-known names, try ( probably purposely ) to make these names ( except that of the Bodhisattva ) ridiculous. For example, the Kaṇha Dipāyana Jātaka No. 444 ( its prose being in two distinct parts ) makes it clear that none of the traits of the most famous sage of the Mahābhārata can be traced in the Jātaka called after him. The Jātakas generally contain some Gāthās and some prose passages. In a number of Jātakas the prose parts are in conflict with the gāthās or have nothing to do with them. The prose parts in their present form belong to 5th cent. A. D. and arose in Ceylon. Jacobi ( Das Rāmāyaṇa pp. 84 ff ) and Keith ( JRAS. 1915 p. 323 ) hold that the prose parts of Jātakas are confused and belong to a later date. Two questions arise viz. ( 1 ) Does the Daśarathajātaka present an older form of the Rāma story ? ( 2 ) Is the Daśaratha Jātaka really older than the Rāmāyaṇa ? According to the present author the replies to these two questions are in the negative and he agrees with the conclusions of the late Mr. N. B. Utgikar ( in JRAS. Centenary Supplement pp. 203-211 ). Vide also the same scholar's paper in JEBRAS ( New Series vol. 4 pp. 115-134 ). In most of the Jātakas also the stories as told in the Epic differ greatly from the stories labelled under the same name in them.



In the *Daśarathajātaka* ( No. 461, p. 127 ) occurs a *gāthā* ( ' *phalānam iva pakkānam niccam papatanā bhayam | evaṃ jātānām maccānam niccam maraṇato bhayam ||* ' ), which occurs in Gorrecio's edition ( vol. II p. 42, verse 4 ) and is quoted below<sup>427</sup> ( but does not occur in other editions ).

Just as in the extant *Mahābhārata* references are sometimes made to the Rāma story, so in the extant *Rāmāyana* occur references to the legends that occur in the *Mahābhārata*. For example, the story of Sāvitrī ( daughter of Aśvapati, king of the Madras, and wife of Satyavān, son of Dyumatsena, the blind king of Śālva ) well-known to all Indian women as the paragon of wifely virtue, is described in *Vana-parva* ( chap. 293-299 ), is very briefly mentioned in the *Ayodhyākāṇḍa*, where<sup>428</sup> Rāma first expressed his unwillingness to allow Sitā to accompany him in his forest exile. It should be noted that the verse speaks of Sāvitrī's story as well-known and does not dilate on any of the incidents connected with that story. It is again referred to in *Sundarakāṇḍa* 24.11. In the *Sundarakāṇḍa* ( chap. 24 10-12 ) six *pativratas* are named among whom Damayantī is the last.<sup>429</sup> The story of Nala, king of Niṣadha, and his devoted wife Damayantī is one of the longest *ākhyānas* in the *Mahābhārata* and is a very charming one. It is set out in the *Vana-parva*, chapters 52-79. Cyavana was a son of Bhṛgu. *Vana-parva* ( chap. 122-124 ) narrates at some length how Sukanya, daughter of king Śaryāti, had to marry the sage blinded by her through mistake. She stuck to the old and blinded Cyavana, although the Aśvins sought her hand. It should be noticed that most of these stories occur in the *Mahābhārata*.

427 यथा फलानां पक्कानां नान्यत्र पतनाद्भयम् । एवं नराणां जातानां नान्यत्र मरणाद्भयम् ॥

428 क्षुमत्संनसुतं वीरं सत्यवन्तमनुव्रतम् । सावित्रीमिव मां विद्धि त्वमात्मनः शर्विणीम् ॥ अयोध्या 30. 6.

429 लोपामुद्रा यथागस्त्यं सुकन्या च्यवनं यथा । सावित्री सत्यवन्तं च कपिलं श्रीमती यथा ॥ सौदासं मलयन्तीव केशिनीं सगरं यथा । नैषधं दमयन्तीव भैमी पतिमनुव्रता । सुन्दर० 24. 11-12. The हर्षचरित ( I उच्छ्रित

pp. 11-12 of the author's edition ) refers to सुकन्या, daughter of king शर्यात and her marriage with sage च्यवन who had his mitage about two *kroṣas* beyond the Śona ( river ).



and some ( like those of Sāvitrī, Damayantī and Sukanyā ) at great length, while the Rāmāyaṇa employs them only for comparison and does not set them out at length. Sagara is referred to in the Rāmāyaṇa (Ayodhyā 36.16 about Asamañja). But no reference is made to his wives. In Vanaparva (chap. 106-7) it is stated that Sagara was a descendant of Ikṣvāku, had two wives, Vaidarbhī and Śaibyā, had from Śaibyā one son called Asamañja whom he banished because he indulged in the pastime of drowning the children of the subjects (Śānti, chap. 57.8-9) and Sagara had sixty thousand sons from Vaidarbhī who were all reduced to ashes by Kapila's wrath when they dug the earth, found Aśvamedha horse near sage Kapila and wanted to apprehend Kapila as the thief. The story of Uttanka, a devoted pupil of Gautama, is narrated at length in Āśvamedhikaparva chap. 55-58 and in Vanaparva chap. 132-33. He married the daughter of Gautama and requested Ahalyā, Gautama's wife, to accept some present as *Gurudakṣiṇā* (fee). When Uttanka pressed her to accept something, she asked him to bring the jewelled ear-rings of the wife of king Saudāsa—a man-eater (56.31). He went to Saudāsa and begged for the ear-rings of his wife Madayantī. Saudāsa asked him to see his wife and give her his message. A long story is narrated about the ear-rings which she gave. King Janaka held assemblies of learned men for discussion. One *bandin* (i. e. *sūta* at his court) used to argue with learned men, defeated them and plunged them in water. Uddālaka had a pupil Kahoda, who married the daughter of his guru. She conceived and the child in the womb rebuked his father when he committed mistakes in repeating Veda. The father cursed the foetus that he would be defective in eight limbs. Aṣṭāvakra defeated *bandin* and those who had been thrown into water (including Kahoda who had been defeated by Bandin) were revived by Varuṇa and then Kahoda recited a verse set out in the note below.<sup>430</sup> Yayāti is frequently mentioned for comparison or illustration as in Ayodhyā 5. 10 (same words in Kiṣkindhā 17. 9, viz. 'yayātim-iva punyānte devalokād-ihā cyutam', also Aranya°

430 तारितोहं त्वया पुत्र सुपुत्रेण महात्मना । अष्टावकेण धर्मात्मा कडोलो  
ब्राह्मणो यथा ॥ युद्धकाण्ड 122. 16. The verse that Kahola repeated  
was: इत्यर्थमिच्छन्ति सुताञ्जना जननकर्मणा । यदहं नाशकं कुरु तत्पुत्रो  
रुतवान्मम ॥ वनपर्व 134. 33.



66. 7. 'Jāmadagnya Rāma killed his mother at his father's order ( Ayodhyā 21. 33 ); Viṣṇu taking three steps ( Kiṣkindhā 67. 3 and 25 ).

The Sundarkāṇḍa is regarded by scholars as part of the original epic. Therefore, it is probable that the part of Sundarkāṇḍa which mentions the names of six *pativratas*, the stories about whom occur at length in the Vanaparva and Āśvamedhika-parva, is probably later than the *parvans* (Vana and Āśvamedhika) which are held by several scholars to be later than earlier parvans of the great Epic.

Nalakūbara is said to have cursed Rāvaṇa when the latter ravished *apsaras* Rambhā ( Vanaparva 280.59-60, Uttarakāṇḍa 26.15 and 41 ff ) who had an assignment with Nalakūbara, son of Vaiśravaṇa, brother of Rāvaṇa; on hearing about this he cursed Rāvaṇa that his head would be shattered in seven pieces if he dared to ravish any woman. In the Yuddhakāṇḍa ( 122. 16 ) it is stated that Daśaratha ( who had died and had gone to heaven ) came in a heavenly car to meet Rāma after his victory over Rāvaṇa and said ' You have saved me as the brāhmaṇa Kahola was saved by Aṣṭāvakra. ' The story of Aṣṭāvakra, son of Kahoda is narrated in Vanaparva chap. 132-4. King Nrga while making gifts of cows to brāhmaṇas, by mistake donated the cow belonging to a brāhmaṇa which had strayed among the cows belonging to the king and when the brāhmaṇa lodged a complaint against the recipient of his cow before the king, the latter did not look into the matter for many days and the two brāhmaṇas cursed him to be a chameleon. That story is referred to in Anuśāsana 6. 38, Āśvamedhika 90. 99-100 and Anuśāsana 70 ( at length ) and 72. 2.

Taking the cue from the name Sītā ( the heroine of the Rāmāyaṇa ) several scholars have regarded the Rāmāyaṇa as an allegory, the word Sītā being employed twice in the Ṛgveda ( IV. 57. 6 and 7 ) and apostrophized as a goddess.<sup>481</sup> Three personages are known to our mythology as Rāma, viz. Jāmadagnya Rāma ( or Paraśurāma ), Balarāma ( brother of Kṛṣṇa )

431 अर्वाची सुभगे भव सीने वन्दामहे त्वा । यथा नः सुभगाससि यथा नः ससि ॥ इन्द्रः सीतां नि गृह्णातु तां पूषानु यच्छतु । सा नः पयस्वती दधामा-  
रामुत्तरां समाम् ॥ ऋ. IV. 57. 6-7. सीता means the furrow left  
plough.



and Dāśarathi Rāma. It is unnecessary for the history of Dharmaśāstra to deal with this question when the Rāmāyaṇa is admitted by all scholars as separated from the Ṛgveda by at least a thousand years or more.

It has been stated above that the core of the Rāmāyaṇa story may be only as old as 300–250 B. C. at the most. Aśva-ghoṣa<sup>432</sup> in his Buddhacarita refers to Vālmīki as writing a poetical work when Cyavana (his ancestor) did not do so. Besides, the Raghuvamśa closely follows the Uttarakāṇḍa as shown above. If we accept the date of Kālidāsa as between 350 to 450 A. D., then the Rāmāyaṇa in its present form cannot be placed later than about 200 A. D. and may be placed at least a century or two earlier. In the Kiṣkindhā-kāṇḍa two verses have been expressly quoted as recited by Manu which occur in the present Manu.<sup>433</sup> In Ayodhyā 107.11–13 two verses are stated to have been uttered by Gaya in Gayā with reference to *pitrs*.<sup>434</sup>

The Rāmāyaṇa being mainly a Kāvya is not frequently or profusely quoted by works on Dharmaśāstra, particularly by comparatively earlier ones. Among the early commentators, Medhātithi on Manu IV. 217 refers to the Rāmāyaṇa as prescribing Śrāddha on the 4th, 8th, 9th and 10th days after the death of a person. On Manu V. 7 Medhātithi quotes without naming the Rāmāyaṇa a half verse from it (yadannah puruṣo

432 वाल्मीकिनादश्च जगद् पथं जग्मन्थ यन्न च्यवनो महर्षिः । बुद्धचरित I. 43.

433 भूयते मनुना गीतौ श्लोकौ चारित्रवत्सलौ । गृहीतौ धर्मकुशलैस्तत्तथाचरितं मया ॥ राजभिः धृतदण्डास्तु कृत्वा पापानि मानवाः । निर्मलाः स्वर्गमायान्ति सन्तः सकृत्तिनो यथा ॥ शासनाद्वा विमोक्षाद्वा स्तेनः स्तेयाद्विमुच्यते । राजा त्वशासन्पापस्य तदवाप्नोति किल्बिषम् ॥ किष्किन्धा 18. 31–33. Vide Manu VIII, 318 and 316. The first occurs in Vas. Dh. S. 19.45 also and for the 2nd compare Vas. Dh. S. 19. 46.

434 भूयते हि पुरा तात श्रुतिर्गीता यशस्विना । गयेन यजमानेन गयेष्वेव पितृन् प्रति । पुंनाम्नां नरकायस्मात् पितरं त्रायते सुतः । तस्मात्पुत्र इति प्रोक्तः पितृन्यः पाति सर्वतः ॥ एष्टव्या बहवः पुत्रा गुणवन्तो बहुश्रुताः । तेषां वै समवेतानामपि कश्चिद्गयां व्रजेत् ॥ अयोध्या 107. 11–13. The first verse (पुंनाम्नां) occurs in Manu IX. 138 (last pāda is स्वयमेव स्वयंभुवा, भाद्रपद 229. 14 (first half), विष्णुधर्म 15. 44; part of the 2nd verse occurs in वनपर्व 87. 10.



rājan-tadannāstasya devatāḥ).<sup>435</sup> It may be noted that the Dhvanyāloka (a Kashmirian work on Poetics of the latter half of the 9th century A. D.) quotes a verse from the Aranya-kāṇḍa (16. 13) as an example where the *Vyaṅgya* (suggested) sense pushes the literal sense (*vācya*) of the word (*andha* in that verse) very much in the background (*atyanta-tiraskṛta-vācya*).<sup>436</sup> In spite of this writers on Sanskrit Poetics rarely quote or refer to it.

Even Aparārka who quotes the Mahābhārata dozens of times quotes the Rāmāyaṇa only twice.<sup>437</sup> On Yāj. I. 211 Aparārka quotes a verse saying of one who being able to save a *śaraṇāgata* allows him to die in his presence all merit (*sukṛta* i.e. *punya*) is taken away by the one who is not saved). On offering water to one's deceased relations Aparārka (on Yāj. III. 5) quotes a verse from Ayodhyākāṇḍa (102-27). The Smṛticandrikā (I. p. 57) quotes Sundara-kāṇḍa 59, 35-36 about cessation of study on the first tithi of a month (*pratipat-pāṭhaśilasya vidyeva tanutām gata*). The Kṛtyakalpataru (on *vrata*, *brahmacāri*, *tīrtha* and *naiyata-kāla* has no verses from Rāmāyaṇa though *Naiyata-kālikā* quotes about two dozen verses from the Mahābhārata). Both epics condemn the king who being engrossed in pleasures does not attend the court of justice when the parties approach him for justice. The Kalpataru on '*grhastha*' quotes only two verses from Rāmāyaṇa, but it mentions the Mahābhārata

435 तथा च पक्वान्नभोजनेपि विधिमेतं स्मरन्ति । यदन्नः पुरुषो राजस्तदन्नास्तस्य देवताः । इति । मेधा० on मनु V. 7. Vide: अयोध्याकाण्ड 102. 29-30 ऐङ्गुदं बदरीमिश्रं पिण्याकं दर्भसंस्तरे । न्यस्य रामः सुदुःखातो रुदन् वचनमब्रवीत् ॥ इदं भुंक्स्व महाराज प्रीतो यदशना वयम् । यदन्नः पुरुषो भवति तदन्नास्तस्य देवताः ॥. The same half is repeated in अयोध्या 103. 14 रामेणेङ्गादिपिण्याकं पितुर्दत्तं समीक्ष्य मे । यदन्नः... देवताः ॥. It is called there लौकिकीश्रुति.

436 रविसंक्रान्तसौभाग्यस्तुषारारुणमण्डलः । निःश्वासान्ध इवादर्शश्चन्द्रमा न प्रकाशते ॥ अरण्यकाण्ड 16. 13 ( the Madras edition of रामायण reads तुषारावृतमण्डलः ).

437 विनष्टः पश्यतो यस्य रक्षितुः शरणागतः । आदाय सुकृतं तस्मात्सर्वं गच्छत्युदरं रक्षितः ॥ अयोध्याकाण्ड 18. 30 q. by अपरार्क p. 385.



twenty times, one citation on pp 281-285 quoting 20 verses from Anuśāsana ( 11. 6-21 ) on where Śrī resides. The Dānasāgara composed by king Ballālasena in *śaka* 1091 ( 1169-70 A.D. ) quotes the Mahābhārata over 200 times, but quotes from the Rāmāyaṇa only four verses.<sup>438</sup>

In the Rājanītiratnākara of Caṇḍeśvara ( ed. by K. P. Jayaswal ), verses about the right of the eldest son to succeed to his father are supported by quotations from the Rāmāyaṇa.<sup>439</sup>

Indian culture penetrated to Borneo, Java, Bali and other Indonesian islands. In the Rāmāyaṇa, Sugrīva is said to have sent his followers in search of Sitā in the four quarters. He directs them to the countries in the East and names Yavadvīpa ( Java ) as one of them ( in Kiṣkindhā 40. 29-30 ).<sup>440</sup> Ptolemy ( in his Geography of India about 150 A.D. ) refers to it as 'Jabadien'. It is generally accepted that Java and Sumatra had been Hinduized before the 3rd century A.D. This is not the place to go into the question of the cultural migration from India to the Eastern Archipelago. Vide Dr. Bijan Raj Chatterjee's 'India and Java' ( Calcutta, 1933 ). 'The culture of South-East Asia' by Reginald le May ( pub. in 1954 ) with 216 illustrations at the end ; 'South India and the Eastern Archipelago', in the Kṛṣṇaswamy Aiyangar Vol. by C. S. Srinivasachari pp. 483-497 ; 'Sanskrit Texts from Bali' edited by Prof. Sylvain Levi ( G. O. S. 1933 ) ; 'Indian influence on the Literature of Java and Bali' by H. B. Sarkar ( Calcutta, 1934 ) ; Stutterheim's 'Rāma legenden' and

438 नहि राज्ञः सुता सर्वे राज्ये तिष्ठन्ति भामिनि । स्थाप्यमानेषु सर्वेषु सुमहाननयो भवेत् । तस्माज्ज्येष्ठे हि कैकेयि राज्यतन्त्राणि पार्थिवाः । स्थापयन्त्यनवशान्नि गुणवत्स्वितरेष्वपि ॥ रामायण, अयोध्या 8. 23-24 q. by राजनीति-रत्नाकर p. 76, which quotes also Vasistha's words in Ayodhyā 110. 36 ( on p. 77 ) 'इक्ष्वाकूणां हि सर्वेषां राजा भवति पूर्वजः । पूर्वजे नावरः पुत्रो ज्येष्ठो राजा भविष्यति' ॥

439 रामायणे जलप्रदानवाक्यं राम आह । इदं पुरुषशार्दूल विमलं दिव्यमक्षयम् । पितृलोकेषु पानीयं मद्गतमुपतिष्ठताम् ॥ अपरार्क on या. III. 5. p. 875. The verse occurs with slight variations in अयोध्या 103. 27: ~~सुवर्ण~~ राजशार्दूल विमलं तोयमक्षयम् । पितृलोकगतस्याद्य मद्गतमुपतिष्ठतु ॥

440 यत्नवन्तो यवद्वीपं सतराज्योपशोभितम् ॥ सुवर्णरूप्यकं चैव सुवर्णाकरमिदम् । यवद्वीपमतिक्रम्य शिशिरो नाम पर्वतः ॥ किष्किन्धा 40. 29-30.





'Pictorial History of civilization in Java;' 'History of Śrīvijaya' by Prof. K. A. Nilakanta Sastri (1949); 'Hindu Law in Java and Bali' by Dr. R. C. Majumdar in S. K. Aiyangar Memorial Volume pp. 445-461.

The Mahābhārata became very popular in Java; the Javanese puppet shows called 'wayang' have preserved the old Hindu traditions even in these days, though Java has been a Moslem country for five centuries. Tantric doctrines also prevailed in Java and Sumatra. The Rāmāyaṇa exists in Bali in the Kavi language. There exist several recensions of the Rāmāyaṇa in Java, both in verse and prose.

Some incidents of the Rama story are represented in the Javanese 'Wayang' (shadow plays). Dr. Bijan Raj Chatterjee in 'India and Java' p. 29 states "In a 6th century inscription of Cambodia we find the following passage 'with the Rāmāyaṇa and the Purāṇa he (the Brahman Somaśarman) gave the complete Mahābhārata and arranged for a daily recitation without interruption'. About India's influence on architecture in Indonesia Levi writes "In Architecture it is in distant Cambodia and distant Java that we have to look for the two wonders produced by the Indian genius, Angkor and Borobudur' (q. from 'Śrīvijaya' by Prof. Nilakanta Sastri p. 11).

Two interesting chapters in the two epics are known as 'Kaccit-praśna' chapters. They are Sabhā-parva chap. 5 verses 17-110 and 114-125 (in all 106 verses) where the sage Nārada asks Yudhiṣṭhira certain questions about what an ideal king is expected to do in all that concerns the Government of the State and the people, and Ayodhyākāṇḍa chap. 100 verses 76 (of which the first five are introductory in which Rāma, who was staying on Citrakūṭa along with Sītā and Lakṣmaṇa), inquires of Bharata about the Government of Ayodhyā after Rāma left.<sup>441</sup> In verses 6-10 Rāma asks Bharata about Daśaratha, about the Upādhyāya (Vasiṣṭha) of the family and about his mother and step-mother; so in the Rāmāyaṇa only 66 verses are properly concerned with the Government of the country, the king's duties and actions and cognate matters, while in the Mahābhārata these matters are

441 For the Mahābhārata the Chitrakālā edition and for the Rāmāyaṇa the one volume edition published in 1933 by Mr. R. Narayanaśāstri Aiyar have been used; A or. Ay. = Ayodhyākāṇḍa and S = Sabhāparva being used in the verses having 'Kaccit' in them.



dealt with much more elaborately ( in 106 verses ). One interesting feature of these two chapters is that they contain about twenty-nine identical verses. Sometimes the Rāmāyana text is corrupt. Very slight differences of readings are not noted here but only substantial ones.

The word 'Kaccit' is employed when the person asking the question desires to receive a favourable reply, as the *Amarakośa* says 'Kaccit kāmapravedane'. The Rāmāyana employs this word in other passages also as in *Bālakāṇḍa* 52. 7-9. The *Gitā* also employs it in chap. 18. 72 ( Śrīkṛṣṇa asks 'Kaccid-ajñāna-sammohaḥ prapaśyaste Dhanañjaya' and the reply is 18. 73 'naśto mohaḥ, &c' as Kṛṣṇa desired.

( A = Ayodhyākāṇḍa and S = Sabhāparva )

- ( 1 ) A. 100.17 - S. 5.29 reads 'arthavit' for 'arthanaipuṇam' of A ;
- ( 2 ) A. 100.62-63 - S. 5.19-20 ( A reads 'prītilobhena' for 'prītisāreṇa' of S. ) ;
- ( 3 ) A. 100.52 - S. 5.32 ( reads in last pāda 'saṁsṛṣṭam cātra' for 'madhyamevātra' of A ) ;
- ( 4 ) A. 100.22 - S. 5.35 ( reads in first half 'sahasrair-mūrkhāṇāmekam' for 'sahasrān-mūrkhāṇām-ekam-icchasi' of A ) ;
- ( 5 ) A. 100.24 - S. 5.37 ( reads 'Dānto' for 'Dakṣo' of A ) ;
- ( 6 ) A. 100.36 - S. 5.38 ( reads 'cāraṇaiḥ' for 'cāraṇaiḥ' of A which is a misreading and makes no sense ).
- ( 7 ) A. 100.11-12 - S. 5.40-41 ( reads 'anupraṣṭā' for 'anudraṣṭā' of A ) ;
- ( 8 ) A. 100.25-28 - S. 5.43-46 ( S reads 'udvijase prajāḥ' for 'udveditaprajā' in A ) ;
- ( 9 ) A. 100.30 - S. 5.46 ( Senāpatiguṇas ) ;
- ( 10 ) A. 100.31 - S. 5.47 ( A reads 'dṛṣṭāpadānā' for 'dhrṣṭāvadatāḥ' of ( s. )
- ( 11 ) A. 100.32-34 - S. 5.48-50 ( A reads 'vilambase' for 'vikarṣasi' in S ( A reads 'bhartuḥ kupyanti' 'duṣyanti' in 33 and 'samāhitāḥ' for sadā yudhi )
- ( 12 ) A. 100.47 ( half ) and S. 5.79 ( A reads 'Vāṇāyam saṁśritas-tāta loko hi sukham-edhate' and reads ( lokoyam sukham &c. '



- ( 13 ) A. 100. 53 - S. 5.36.
- ( 14 ) A. 100.49 - S. 5.83
- ( 15 ) A. 100.56 - S. 9.104 ( A reads 'adr̥ṣṭaḥ...  
lopād' for 'adr̥ṣṭaśāstra' and 'lobhād'.
- ( 16 ) A. 100.57 - S. 5.105 ( A reads 'gr̥hītaścaiva  
pr̥ṣṭaśca kālē' and S reads 'dr̥ṣṭo gr̥hītastat-  
kāri ).
- ( 17 ) A. 100. 65-67 - S. 5.107-9 ( A reads 'maṅgala-  
syāprayogam &c' and S. reads 'mangalādya-  
prayogam'.
- ( 18 ) A. 100. 62-63 - S. 5.19 20 ( A reads 'pr̥tilo-  
bhena' for 'pr̥tisāreṇa' and 'sarvān varada' for  
'sadā' varada in S.
- ( 19 ) A. 100.72 - S. 5.110 ( A reads 'saphalāḥ  
kriyāḥ' for 'saphalam dhanam' of S.

From this analysis it follows that out of 66 verses in which the word *kaccit* occurs in the Rāmāyaṇa 29 are almost the same as in Sabhāparva and there also a few half verses, pādas ( quarters of a verse ), which are the same but are not noted here. Another weighty criticism is that at the time when this *kaccit* chapter is supposed to have been addressed by him to Bharata, Rāma did not know that king Daśaratha was dead. It is after this chapter that Bharata tells Rāma ( in chap. 101. 5-6 ) that after Rāma left for the forest the king died, being overwhelmed by sorrow. Therefore, some of the questions put in the mouth of Rāma are inappropriate and irrelevant, such as the questions about the honour paid to Upādhyāya, about Purohita, Mantrins, Senāpati and dūta. All these high functionaries had been appointed by Daśaratha himself. On the other hand, in the case of Yudhiṣṭhira, who was the eldest among the sons of Pāṇḍu and who performed the Rājasūya also ( also as described in Sabhā 33 ff ), those questions were appropriate. I think the chapter ( 100 ) of the Ayodhyākāṇḍa is based on chap. 5 of the Sabhāparva and about 29 verses were almost bodily taken from the Sabhāparva into the Ayodhyākāṇḍa.

The Rāmāyaṇa is a Kāvya, yet, on account of the noble ideals that it sets up in the chief characters, it was



popular and is relied upon as a source in digests on Dharma, though not so frequently and profusely as the Mahābhārata. Vide for example, Dr. Bhabatosh Bhattācārya's paper on 'Rāmāyaṇa and its influence on medieval digests of East India' in Gode com. volume pp. 19-26. The following table will give some idea of the different topics of Dharmaśāstra dwelt upon by the Rāmāyaṇa. The references are to the Madras one volume edition referred to above ( p. 399 n. 441 ).

Abhiṣeka-Ayodhyā 15, Yuddha 131.

Arājaka-Ayodhyā 67.

Pātakas ( sins )- Kiṣkindhā 17-18.

Rājadharmā-Bālakāṇḍa 7, Ayodhyā 100, Araṇya 6, 9, 33, 40-41, Yuddha 17, 18, 63.

Śrāddha-Ayodhyā 76, 103.

Satyapraśamsā-Ayodhyā 109.

Strīdharmā-Ayodhyā 24-27, 29, 39, 117-118.

It must be stated that whole cantos are unauthorizedly added in some cases in the Rāmāyaṇa e.g. in the Uttarakāṇḍa after chap. 23 five *sargas* ( containing 296 verses ) are added. Five more are added after chap. 37 ( containing 244 verses ) and three cantos are added after chap. 59 ( containing 145 verses ).

Another matter to be noted is that not only are unauthorized verses added in the Rāmāyaṇa but here and there verses are repeated e.g. several verses in Ayodhyā 105. 4-12 and Yuddha 131. 2-10. It has been already shown that about 29 verses ( with ' kaccit ' in them ) have been borrowed from the Mahābhārata. Moreover, several verses are common to both the epics ( e. g. vide pp. 385-386 above ).

The claim, put forward in the Bālakāṇḍa ( chap. 2, verses 3-31 ), that Vālmiki, on seeing the Krauñca bird killed by a hunter, uttered a verse ( śloka ) that was to be the pattern or model for all succeeding poets composing poems in that metre, cannot be admitted as tenable. The Rāmāyaṇa as a Kāvya cannot be claimed on the available evidence as earlier than 300-200 B. C.



Quotations in the Mahābhāṣya lead to the conclusion that, centuries before Patañjali, works in the Śloka metre had been composed. A few examples quoted below will bear out this.<sup>442</sup>

Verses in the Sundarakāṇḍa<sup>443</sup> are of great significance on the date of the Rāmāyaṇa. Hanūmān is said to have pondered over the question whether he should address Sitā in Sanskrit used by Dvijātis (brāhmaṇas, kṣatriyas and vaiśyas) or he should employ sentences used by common men (vide note below). There is hardly anything to show that about 400 or 500 B. C. there was a vast difference between the languages spoken by higher classes and those spoken by lower classes. But a century or two before and after the Christian era great differences had arisen between the two as indicated by Inscriptions and literary works.

I cannot close this brief section on the Rāmāyaṇa without mentioning a work of outstanding merit viz. 'Thirty lectures

442 It is Kielhorn's ed. of the Mahābhāṣya that is referred to :

- ( 1 ) यदुदुम्बरवर्णानां ( vol. I, p. 6 ) ;
- ( 2 ) एति जीवन्तमानन्दः ( vol. I, p. 277 on वार्तिक 6 on II. 7. 6 ), vol. II, p. 59 on वार्तिक 5 on III. 1. 67 ) ;
- ( 3 ) तपः श्रुतं च योनिश्च ( vol. I, p. 41 ) on II. 2. 6 and vol. II. p. 363 on V. 1. 115 ;
- ( 4 ) सङ्कर्षणद्वितीयस्य ( vol. I, p. 426 ) ;
- ( 5 ) वाताय कपिला वियुत् ( vol. I, p. 449 on वार्तिक 3 on II. 3. 13 ) ;
- ( 6 ) दूरादावस्थान्मूत्रं ( vol. I, p. 457 on वार्तिक 2 on II. 3. 35 ) ;
- ( 7 ) चर्मणि द्वीपिनं हन्ति ( vol. I, 458 on वा. 6 on II. 3. 36 ) ;
- ( 8 ) कालः पचति भूतानि ( vol. II, 167 ) ;
- ( 9 ) त्रीणि यस्यावदातानि ( vol. II, 220 on वा. 9 on IV. 1. 48 ) ;
- ( 10 ) महीपालवचः श्रुत्वा ( vol. III, 288 on VII. 2. 23 ) ;
- ( 11 ) सामृतैः पाणिभिर्घ्नन्ति ( vol. III. 367 on वार्तिक 1 on पा. VIII. 1. 8 ).

443 अहमतितनुश्चैव वानरश्च विशेषतः । वाचं चोदाहरिष्यामि मानुषीमिह संस्कृताम् ॥  
यदि वाचं प्रदास्यामि द्विजातिरिव संस्कृताम् । रावणं मन्यमानाः प्रसीदन्ति ॥  
भीता भविष्यति ॥ वानरस्य विशेषण कथं स्यादभिभाषणम् । अवश्यमेव कदाचन  
मानुषं वाक्यमर्थवत् । सुन्दर० 30. 17-19.



on the Rāmāyaṇa' by the late Right Honourable V. S. Srinivasa Sastri ( published by the Madras Sanskrit Academy in 1949 ). He does not deal with the Rāmāyaṇa in the spirit of a critical scholar. Questions of the date of the Rāmāyaṇa, the authorship of it, of the indebtedness of Vālmīki to others and of the authenticity of the present text are left out by him. He deals at great length with the principal characters of the epic and his language is moving, often charged with fervour and emotion and his exposition of the different incidents is masterly. He quotes a very large number of verses from the Rāmāyaṇa. In his exposition he is at his best when he deals with the attack by Rāma against Vālin from behind trees and the incident of harsh words Rāma used when he abandoned Sītā after killing Rāvaṇa ( Yuddhakāṇḍa, 118, verses 12-24 ). His words are most eloquent when in the 27th lecture on p. 432 he says ' that is Rāma's greatness that he did not mind sacrificing anything to preserve Dharma. Dharma has many phases. What he ( Rāma ) thought was his highest Dharma, that he fulfilled and to that end there was nothing that he would not sacrifice '. It may be pointed out that the Padma-purāṇa ( Ānandāśram ed. IV. 66. 28-29 )<sup>444</sup> proclaims in two verses the virtues that the Rāmāyaṇa emphasizes by delineating some paragons of virtue such as Rāma, Sītā, Bharata, Lakṣmaṇa and Hanūmān.

Though the Rāmāyaṇa is full of poetic passages, it often departs from Pāṇini's grammar. A few examples may be cited; ' Kurmi ' ( for karomi ) in Ayodhyā 12. 36, ' ānayitum ' ( for ' ānetum ' ) in Ayodhyā 19. 10 and ' nayiṣyati ( for ' neṣyati ' ) in Ayodhyā 12. 87, ' ruṣya ' Ayodhyā 97. 12, ' Mantrimśca ' in Sundarakāṇḍa 51. 37 ( for Mantrīṣca ).

The Gujarati Press edition of the Rāmāyaṇa ( in seven parts, 1912-20 ) contains three commentaries. A brief statement on these may be made here. Of the three the earliest seems to be the one called Bhūṣaṇa composed by Govindarājan of Kauśikagotra. He was a man of profound learning in the various branches of Sanskrit literature. Sometimes his commentary is very extensive ( as on the first verse of the Bālakāṇḍa ), but sometimes it is the briefest of

444 यस्मिन् धर्मविधिः साक्षात्पातिव्रत्यं तु यस्त्थितम् । भ्रातृस्नेहो महान्यत्र  
भक्तिस्तथैव च ॥ स्वामिसेवकयोर्यत्र नीतिर्मूर्तिमती किल । अधर्मकरशक्तिर्नि  
यत्र साक्षाद्ब्रूद्वहात् ॥ पद्मपुराण.



the three commentaries ( as on I. 75. 4, I. 76. 15 ). At the end of the Bālakāṇḍa he states that he had acquired fame by his proficiency in the Vedas, Śāstras and learned discussions and he had a keen intellect in Sanskrit poems, *Alaṅkāra* ( Poetics ) and the dramatic art. This writer confers different names on his own commentaries on the different kāṇḍas viz. Maṇimañjira, Pitāmbara, Ratnamekhalā, Muktaḥāra, Śṛṅgāra-tilaka, Ratnakirīṭa, Maṇimukūṭa. It appears that Śaṭakopa of Vatsa-gotra was his guru and he was the son of Varada ( last verse in com. on Yuddhakāṇḍa ). At the end of his commentary on Sundarakāṇḍa, he states that he looked into several commentaries of former *ācāryas*.

As he quotes the Kāvya-prakāśa, the Alaṅkārasarvasva and the Vṛtta-ratnākara he is certainly later than the 12th century A.D. and most probably flourished in the last quarter of the 15th century. Vide an exhaustive paper on Govindarāja by the late Prof. K. V. Rangaswami Aiyangar in A.B.O.R.I. [ Silver Jubilee vol. ( 1943 ), pp. 30-54 ].

The 2nd commentary is called 'Rāmāyaṇaśiromaṇi'. The author's name is not clearly stated in the beginning, though at the end of the 7th kāṇḍa the concluding verse clearly says 'Śivasahāya-nirmitireṣā'. So this commentary was written by Śiva-sahāya and he composed the commentary on the banks of the Trivenī ( Ganges at Allahabad ) with the help of a rich patron called Vamśīdhara, son of Sitārāma, son of Todirama. This commentary also is learned and very extensive on some verses. From the last verse ( 8 ) it appears that the commentary was completed in *Samvat* 1921, Āśvina-śukla 10 ( i. e. 1864 A. D. ). Thus it is a very modern commentary.

The third commentary is called Tilaka.<sup>445</sup> The concluding verses<sup>446</sup> of the commentary indicate that the commentary was

445 Introductory verse 16 of the commentary is 'नत्वा रामं शिवं साम्बं रामो रामप्रवर्तकः । रामायणस्य तिलकं कुरुते रामतुष्टये ॥'. At the end of the Bālakāṇḍa and some other kāṇḍas the commentary states 'इति श्रीरामाभिरामे श्रीरामीये रामायणतिलके आदिकाव्ये बालकाण्डे सप्तसप्ततितमः सर्गः'.

446 निर्मलं कतकक्षोदादपि रामायणार्णवम् । अत्यन्तं निर्मलं चक्रे रामः स्वर्ण-वाससा ॥ भट्टनागेशपूज्येन सेतुः श्रीरामवर्मणा । कृतः सर्वोपकृतये श्रीमद्रामायण-





written by Śrī Nāgeśa under the patronage of Rāmavarman. The idea of those two verses appears to be that the import of the Rāmāyaṇa was made clearer by the clearing cloth in the form of the intellect of Rāmavarman. What part other than that of a patron ( who employed an eminent scholar like Nāgeśabhaṭṭa ) Rāmavarman played is not quite clear. The opening verses of the commentary on the Bālakāṇḍa mention only Rāma as the author.

The commentary is learned and to the point and does not make an exhibition of the author's wide reading and scholarship.

As would be shown later on Nāgeśa ( or Nāgojibhaṭṭa ) flourished between 1670-1750 A. D.

Vide Prof. P. P. S. Sastri's paper on 'The commentators of the Rāmāyaṇa in the 15th to 17th century A. D.' in A. B. O. R. I. ( Silver Jubilee vol. 1943, pp. 413-414 ). He mentions the commentators on the Rāmāyaṇa mostly from South India, as the Vaiṣṇavas in South India looked upon the Rāmāyaṇa as the most sacred work on Viṣṇu worship.

In the Mahābhārata-tātparyā-nirṇaya of Ānandatīrtha ( Śrī Madhvācārya, 13th century A. D. ), seven chapters ( III-IX ) are devoted to the Rāmāyaṇa story. In the first chapter he sets out the authorities. In I. 30<sup>447</sup> he refers to the four Vedas viz. Ṛgveda and others, the Pañcarātra system, the Bhārata, the Mūla-Rāmāyaṇa, and the Brahmasūtra—these are regarded as self-sufficient authorities. What does he mean by Mūla-Rāmāyaṇa ? It means nothing else than the Rāmāyaṇa of Vālmīki. In Sanskrit and the popular language

( Continued from the previous page )

म्बुधौ ॥ The first verse alone occurs at the end of the Uttara-kāṇḍa. There is a reference in the first verse to the commentary called Kataka. There is a pun on the word Kataka ( name of a commentary and also the cleansing pot which clarifies muddy water or cleanses soiled clothes ). फलं कतकवृक्षस्य यद्यप्यप्सु प्रसादकम् । न नामग्रहणादेव तस्य वारि प्रसीदति ॥ q. by कल्पतरु on मोक्ष ( p. 64 ). This is मनुस्मृति VI. 67. There is a commentary on Rāmāyaṇa called Kataka or Amṛta-Kataka composed 1650 A. D.

447 ऋगादयश्चत्वारः पञ्चरात्रं च भारतम् । मूलरामायणं ब्रह्मसूत्रं मौनं स्मृतम् । I. 30.



ges of India there are numerous works having the Rāmāyaṇa as part of their names. At the end of chap. IX (verses 125-7)<sup>448</sup> the great Ācārya says 'through the grace of Viṣṇu he has declared this grand story, by reasoning and by the power of his intellect, after dispelling all contradictions and deciding the truth from all the Purāṇas, the works on Pañcarātra, from the Bhārata, the Vedas and the great Rāmāyaṇa. So here the word Mahārāmāyaṇa is used in the same sense as Mūla-Rāmāyaṇa, since in both places ( I-30 ) and ( IX. 125-127 ) it is the sources of the Rāma saga that are spoken of.

Mr. S. N. Tadpatrikar ( in ABORI vol. V. pp. 61-68 ) refers to the word ' Mūlarāmāyaṇa ' and starts a new theory that the Mūlarāmāyaṇa mentioned in I. 30 by Madhvācārya is different from the Mahārāmāyaṇa mentioned by the Ācārya himself in IX. 125. The only authority for this is his interpretation of some words he quotes from the commentary Tilaka. The few words he quotes are not at all clear and do not support what Mr. Tadpatrikar mentions and further the commentator is no authority binding on modern scholars for the meaning of the words employed by the Ācārya in the 13th century.

The Rāmāyaṇa, being a Kāvya and an Ākhyāna ( as stated in Dānasāgara, Introductory verse, 15, p. 3 ), it is sparingly quoted in Dharmaśāstra works. Dr. Bhabatosh Bhattacharya in his paper on ' The Rāmāyaṇa and its influence on Ballālasena and Raghunandana ' <sup>449</sup> published in J. O. I. ( Baroda ), vol II, pp. 18-22 points out that only one out of

448 इत्यशेषपुराणेभ्यः पञ्चरात्रेभ्य एव च । भारताच्चैव वेदेभ्यो महारामायणादपि ॥  
परस्परविरोधस्य हानान्निर्णय तत्त्वतः । युक्त्या बुद्धिबलाच्चैव विष्णोरेव  
प्रसादनः ॥ बहुकल्पानुसारेण मयेयं संकथोदिता । नैकग्रन्थाश्रया तस्मा-  
न्नाशंक्यात्र विरुद्धता ॥ IX. 125-127.

449 It may be stated that the writer of this paper failed to note that the same verse is quoted by an earlier writer viz. Aparārka ( p. 385 on Yāj. I. 211 ) and that Aparārka also quotes on p. 387 the verse ' इदं...विमलं दिव्यमक्षयम् । पितृलोकेषु पानीयं महत्तमम् तिष्ठताम् ॥ ' ( अयोध्या० 103. 27. Nir. ed. ).



the four verses quoted from the Rāmāyaṇa in the Dānasāgara could be traced in the Yuddhakāṇḍa ( chap. 18. 30 ' vinastah ... rakṣitaḥ ' ) in the Gujarati Press edition and that none of the four verses could be found in the Bengali editions. In another paper ' on the Rāmāyaṇa and its influence on the medieval digests of Eastern India ' in P. K. Gode Commemoration Volume 1960, pp. 319-326, the same learned writer discusses the quotations from the Rāmāyaṇa in the Hāralatā, the three Ratnākara of Caṇḍeśvara ( on Kṛtya, Gr̥hastha, and Vivāda ), Kaumudīs of Govindānanda ( on Dāna, Śrāddha ), and the Rājadharmakaustubha of Anantadeva. The Kalpataru on Mokṣa ( pp. 25-26 ) quotes some verses from the Rām. Aranyakāṇḍa ( chap. 6.2 ff ) with different readings. The Mahābhārata offers a great contrast in this respect to the Rāmāyaṇa, as hundreds of verses are quoted from it even in the comparatively early commentaries and digests like the Mitākṣarā and the Kalpataru.

It is impossible to deal with the numerous writings on the Rāmāyaṇa. Jacobi's German work on the Rāmāyaṇa has been translated into English by Dr. S. N. Ghoshal and published by driplets in several volumes of the Journal of Oriental Institute ( Baroda ). Numerous dates have been proposed for the Rāmāyaṇa e. g. the Department of Letters, Vol. 19 ( Calcutta University ) puts down 433 A. D. as its date. The Rāma story occurs frequently in the Mahābhārata e. g. vide Sabhāparva 50. 39, Vanaparva chap. 148-152 ( 31 verses ), chap. 274-293 ( verses about 769 ); several Purāṇas such as Brahma°, chap. 123 and 154, Padmapurāṇa ( several times in Pātālakhaṇḍa and Uttarakhaṇḍa ), Nārada-purāṇa, Bhāgavatapurāṇa ( IX. 10-11 about 82 verses ), Agni-purāṇa ( chap. 5-12, verses 189 ). One writer in ' Prerāṇā ' monthly for October 1949 says that there are fourteen commentaries on the Rāmāyaṇa.

### 33. The Purāṇas

The Yājñavalkyasmṛti provides that Purāṇa, Nyaṇa ( Tarkaśāstra ), Mimāṃsā, Dharmaśāstra, the ( six ) subsidiary lores of the Veda ( *aṅgas* ) and the Vedas ( four )-these fourteen



are the sources ( means ) of *Vidyās* and of Dharma. It would be noticed that the 14 sources are arranged by Yājñavalkya in a rising scale of importance and authoritativeness.<sup>450</sup> The word Purāṇa ( a class of works ) occurs in the Atharvaveda ( XI. 7. 24, XV. 6. 10-11 ). The Śat. Br. ( XI. 5.6-8 ) includes 'Itihāsapurāṇam' among 'Svādhyāya' and further states ( XIII. 4. 3. 13 ) that on the 9th day of the Pāriplava ( an item in the Rājasūya sacrifice ) the *hotr* priest narrates some Purāṇa. The Tai. Ār. II. 10 mentions Brāhmaṇas, Itihāsas, Purāṇas, Kalpas etc. ( Brāhmaṇānītiḥāsān Purāṇāni Kalpān, Gāthā Nārāśaṁsiḥ ). In the Chāndogya Upaniṣad ( VII. 2 and 4 ) Itihāsa-Purāṇa is spoken of as the fifth Veda and the Brhadāranyaka Up. ( IV. 1. 2 ) separately mentions Itihāsa and Purāṇa. The Āśv. Gr. includes Purāṇāni under 'svādhyāya'.<sup>451</sup>

It is not unlikely that originally there was only a single work called Purāṇa. The Mahābhāṣya ( Kielhorn, vol. I p. 9 ) uses the word Purāṇam and the Matsya (chap. 53) states that originally the Purāṇa was only one. But since the Tai. Ār. employs the word 'Purāṇāni' in the plural it appears likely that there were in the times of the Āraṇyaka at least three ( if not more ) works called Purāṇa. A verse quoted below—Purāṇam Mānavo dharmah etc.—<sup>452</sup> occurs in many copies of the Manusmṛti after XII. 110 and is mentioned by the Tantravārtika on Mīmāṃsāsūtra I.3.27 p. 286 ( Anan. ed., first half ).

From early times the Purāṇas have been enumerated as eighteen ; vide H. of Dh. Vol. V pp. 831-836. The number of upapurāṇas varies from a few to several dozens.

- 450 पुराणन्यायमीमांसाधर्मशास्त्राङ्गमिश्रिताः । वेदाः स्थानानि विद्यानां धर्मस्य च चतुर्दश ॥ या. I. 3. The Mit. explains स्थानानि as हेतवः and अपरार्क as निमित्तानि. The Nirukta speaks about itself as a Vidyāsthāna ' तदिदं विद्यास्थानं व्याकरणस्य कात्स्न्यं स्वार्थसाधकं च' I. 15.

For पारिप्लव vide H. of Dh. vol. II pt. 1231-33.

- 451 अथ स्वाध्यायमधीयीत । ऋचो यजूंषि सामान्यथर्वाङ्गिरसः ब्राह्मणानीतिहास-पुराणानीति । आश्व. गृ. सू. III. 2. 5-6.

- 452 'पुराणं मानवो धर्मः साङ्गो वेदश्चिकित्सितम् । आज्ञासिद्धानि चत्वारि न व्यानि हेतुभिः ॥ After quoting the first half the Tantravārtika remarks 'इति हि तुल्यवत्प्रामाण्यस्मरणम्'.



The chronology of Purāṇas is, like that of the Epics, a subject full of perplexing problems and is not dealt with in this revised edition of the first volume of the H. of Dh. as it has been discussed at length in the H. of Dh. Vol. V. pp. 815-1002 and the views of Pargiter, Kirfel, Dikshitar and Hazra have been set out, discussed and criticized at length in pp. 831-853. Vide also the present author's paper 'Paurāṇa-dharma' in Gode commemoration volume pp. 70-82 for the changes in religious ideas and practices brought about by the Purāṇas or reflected in them.

It has to be mentioned here that in the first few centuries of the Christian era the idea prevailed that those rules or ordinances ( Dharmas ) that were understood from the Veda are the highest ( in authority ), but the rules ( Dharmas ) stated in the Purāṇas ( and similar works ) were inferior.<sup>453</sup> This position assigned to the Purāṇas was changed a few centuries before 1000 A. D. and Purāṇas came to be far more relied upon by works on Dharmaśāstra. For example, the Kṛtyakalpataru ( about 1125-1160 A. D. ) quotes the Purāṇas even on such a topic as *Mokṣa* much more than the Upaniṣads or the Vedāntasūtra. Aparārka quotes a half verse<sup>454</sup> as from Manu ( not found in extant Manusmṛti ), saying that one should strengthen the Veda by Itihāsa ( i. e. Mahābhārata ) and Purāṇas. It is significant that the extensive commentary of Viśvarūpa on Yāj. hardly ever mentions a Purāṇa by name, though he twice refers to Purāṇas in a general way on Yāj. III. 170 and 175. He flourished about 800-860 A. D. Simi-

454 इतिहासपुराणाभ्यां वेदं समुपबृंहयेत् । इति मनुवचनादितिहासपुराणानि वेदस्य परिबृंहणानि । अपरार्क p. 19 on या. I. 7. In some works the above half verse is followed by the words विभेत्यल्पश्रुताद्वेदो मामयं प्रहरिष्यति; vide आदिपर्व I. 267-89, वसिष्ठधर्मसूत्र 27. 6, वायुपुराण I. 201, वृद्धात्रि chap. 3 p. 50 (Jivananda's ed. of स्मृतिशास्त्रम्); the last reads प्रतरिष्यति for प्रहरिष्यति. स्मृतिच. (Gharpure's ed. p. 3) ascribes it to Brhaspati.



larly, Medhātithi on Manu very rarely refers to Purāṇas and mentions none by name. Vide notes below.<sup>455</sup>

The main characteristics of the teachings of the extant Purāṇas, some of which at least were composed in the first few centuries of the Christian era would be merely indicated here briefly. Those who want to go into greater details are requested to refer to Vol. V of the H. of Dh. pp. 928-980. North and Central India had been harassed by the invasions of foreign hordes such as the Śakas and Hūnas. Besides, the performance of Vedic sacrifices had become rare; Buddhism, Jainism and other schisms had greatly affected the minds of all persons including religious and thoughtful men. The leaders of Hindu Society had to wean away common men from the new and attractive teachings of Buddhism and hence the writers of Purāṇas struck upon finding out new dogma. The first doctrine that was recommended was that great rewards (spiritual and other-worldly) would follow on a little

455 एषा प्रक्रिया सृष्टिप्रलयोपवर्णनादौ सर्वत्र पुराणादिष्वपि योज्या । विश्व० on या. III. 170 ; पुराणे हि भगवतः सवितुर्बह्व्यो वीर्यो दिवि पद्धतयः श्रूयन्ते ॥ विश्व० on या. III. 175;

On Manu I. 55 Medhātithi quotes : यथा पुराणे उक्तम् । पुर्यष्टकेन लिङ्गेन प्राणाख्येन स युज्यते । तेन बद्धस्य वै बन्धो मोक्षो मुक्तस्य तेन तु । ; on I. 69 he states : तथा च पुराणकारः । इत्येतद्विभिर्गोतं दिव्यया संख्यया द्विजाः । दिव्येनैव प्रमाणेन युगसंख्या प्रकीर्तिता ॥ ; on I. 74 he says पुराणे हि मनो महान्मतिर्बुद्धिर्महत्तत्त्वं च कीर्त्यते । पर्यायवाचकाः शब्दा महतः परिकीर्तिताः इति ; on मनु I. 78 he quotes 2½ verses from पुराणकार 'दश मन्वन्तराणीह तिष्ठन्ति नित्यचिन्तकाः ॥ भौतिकास्तु शतं पूर्णं सहस्रं त्वभिमानिनः ॥ महात्मकाः सहस्राणि दश तिष्ठन्ति विज्वराः । पूर्णं शतसहस्रं तु तिष्ठन्त्यव्यक्तचिन्तकाः । पुरुषं निर्गुणं प्राप्य परिसंख्या न विद्यते । '

शैवान्पाशुपतान् स्पृष्ट्वा लोकायतिक-नास्तिकान् विकर्मस्थान् द्विजान् शूद्रान् सवासा जलमाविशेन् ॥ ब्रह्मांड-पु. q. by मिता० on या. III. 30 and by स्मृतिव. ( आहिक p. 118 ).

सर्पदंशनिमित्तं सौवर्णनागशनं प्रतिकृतिरूपेण भविष्यपुराणे सुमन्तुनाभिदिग्धं 'सुवर्णभारनिष्पन्नं नागं कृत्वा तथैव गाम् । व्यासाय दत्त्वा त्रिधिवत्पितुरात्मनः माप्नुयात् ।' मिता. on या. III. 6.



trouble and effort.<sup>456</sup>

Dāna (charity and gifts) came to be regarded as conferring the highest rewards in the Manusmṛti ( I. 86 ' tapah param... dānamekam kalau yuge ' ), in Śāntiparva, Vāyupurāṇa ( 6.65-66 ), Parāśarasmṛti ( I. 23 ). The gifts of food ( and particularly to brāhmaṇas ) were regarded as highest. When the invasions by foreign hordes were frequent and when rulers of different kingdoms in India itself engaged in constant warfare this idea was good enough

Even the Ṛgveda ( X. 117. 6 ) condemns one, who offers no food to Aryaman ( and other gods ) nor to a friend ( guest etc. ) and feeds himself alone, eating only sin. The same idea ( almost in the same words ) occurs in Manus III. 18, Viṣṇusmṛti 67. 43 ( agham sa kevalam-bhunkte yaḥ pacatyātmakāraṇāt ) and the Bhagavad-gītā ( III. 13 ). But the Purāṇas carried this idea to extreme limits. Manus prescribed that in rites in honour of gods and pitṛs, even a single learned brāhmaṇa may be fed to secure the full reward of the rite, but not many brāhmaṇas who do not know the *mantras*. Again, in III. 149 Manus says that in rites for gods no close examination about a brāhmaṇa should be indulged in, but that in rites for ancestors effort should be made to ascertain that the family and character of the brāhmaṇas are both good. But gradually this idea was given up, particularly at Śrāddhas in Gayā. For example, the Vāyupurāṇa states that the brāhmaṇas of Gayā are supermen, that when they are gratified ( at a Śrāddha ) the gods together with the pitṛs become gratified, that no question should be raised about their family, their character, learning or *tapas* and that by honouring them a man attains liberation.

It may be pointed out that the Vanaparva ( chap. 84. 82-104 ) speaks at length about Gayā and its holy places, most of which are quoted in the Padmapurāṇa, Ādikhaṇḍa, chap. 38 ( verses 2-19 ). Those interested may consult H. of Dh. Vol. IV for detailed statements about Gayā.

Another important change in beliefs and practices mirrored in the Purāṇas is that of pilgrimages to holy places and baths in holy rivers as destroying the effects of even the most

456 अल्पेनैव प्रयत्नेन धर्मा सिद्ध्यन्ति वै कलौ ॥ विष्णुपुराण VI. 2. 24. मत्स्य 19. 74 ; शान्ति 232. 32 ( त्रेतायुगे ) विधिस्त्वेष यज्ञानां न कृते यज्ञो द्वापरे विद्भवं यान्ति यज्ञाः कलियुगे तथा ॥ ; पराशरस्मृति I. 23 is the Aranyaka मनु I. 86 ; प्रवृत्ते द्वापरे यज्ञो दानं कलियुगे वरम् । वायु 8. 66.





heinous sins.<sup>457</sup> For example, the Anuśāsanaparva ( 25. 42 ) says—' In Gayā a man is purified even of the sin of three murders of brāhmaṇas, if he visits Aśmaprṣṭha ( Pretaśilā in Gayā ), the hill called Niravinda and the Krauñcapadi. We find even the Vanaparva stating that one does not secure those rewards even by performing solemn sacrifices in which fees paid to the priests are large, as one secures by pilgrimages to holy places.

Another development for which Purāṇas are largely responsible is that of numerous observances called Vratas ( described in vol. V part 1 pp. 81-462 ). It makes one sad to find that a great minister of State in the latter half of 13th century A. D., Hemādri, deals with nearly 1000 vratas in about 2500 printed pages, instead of pondering over the great menace of invasions against India by foreigners from the 11th century onwards and does not take or even suggest methods or means to counteract that evil.

Another important aspect dealt with by some Purāṇas is that of ' bhakti ' ( devotion to God ) and Nāmasmarṇa ( repeating inaudibly the names of God ). The word Bhakti in its technical sense of loving faith in and surrender to God does not occur in the early Upaniṣads, but only in the Śvetāśvatopaniṣad VI. 23 ( yasya deve parā bhaktir-yathā deve tathā gurau ). It is developed in the Bhagavadgītā ( as in IX. 27 and 34, XI. 55 ), and in the Bhāgavata, Viṣṇu and other Purāṇas. The subject of bhakti has been treated at some length in H. of Dh. vol. V pp. 950-980.

Prof. Hazra in ' Indian Culture ' vol. I. pp. 587-614 contributes a learned paper on ' Purāṇas in the History of Smṛti ' and at the end of the paper sets out several nibandha works on Dharmaśāstra in which Purāṇa passages are quoted and relied upon.

His treatment of the subject is, however, not exhaustive. To take only one instance. As regards quotations from

457 अश्मपृष्ठे गयायां च निरविन्दे च पर्वते । तृतीयां क्रौञ्चपथां च ब्रह्महत्या  
विशुध्यते ॥ अनुशासन 25. 42. Vide Nilakanṭha's gloss on it quoted in  
H. of Dh. Vol IV p. 649 note 1474. तीर्थाभिगमनं पुण्यं यज्ञैरपि विशिष्यते ॥  
...अग्निष्टोमादिभिर्यज्ञैरिष्ट्वा विपुलदक्षिणैः । न तत्फलमवाप्नोति तीर्थाभिगमनं  
यत् ॥ वनपर्व 82. 17, 19



Purāṇas in the Mit. he cites only one quotation from the Matsyapurāṇa (chap. 94). But the Mit. quotes several Purāṇas on Yāj. For example, on Yāj. III. 30 it quotes a verse from Brahmāṇḍapurāṇa which is also quoted by the Smṛticandrikā. On Yāj. I. 297-98 the Mit. quotes two verses from Matsyapurāṇa (93.11-12) on the position of the planets on a diagram or painting of planets in Grahapūjā. Matsya (93.33-37) prescribes the same four Vedic mantras that Yāj. prescribes (in I. 300-301) for the worship of the Sun, Mars, Saturn and Ketu. The Mit. on Yāj. III. 6 prescribes the offering of Nārāyaṇabali for those that commit suicide and states that the procedure is described in Vaiṣṇava (purāṇa?). On Yāj. III. 6 the Mit. quotes from the Bhaviṣyat-purāṇa providing, for death on serpent bite, to a brāhmaṇa reciter of Purāṇas the gift of a golden serpent made from one bhāra of gold. The Mit. on Yāj. II. 290 refers to the view of the Skandapurāṇa that there were *veśyās* that belonged to a distinct caste. It appears to quote the Mārkaṇḍeyapurāṇa several times on Yāj. I. 236, 254, III. 19, 287. Thus the Mit. mentions by name only six Purāṇas, while Aparārka names twenty Purāṇas and Smṛti-candrikā 22.

In all about 40 Purāṇas and Upapurāṇas are quoted in *Nibandhas*.

Purāṇas have been published by different individuals, presses and societies. A critical edition of at least the eighteen Purāṇas based on Mss. collected from all parts of our country had long been a *desideratum*. But only recently the work of re-editing Purāṇas in a critical manner by collecting and consulting Mss. from the whole of India has been undertaken by the Purāṇa Prakāśana Samiti of the All-India Kashiraj Trust, Benares. The work which is under the general guidance of Dr. V. Raghavan, Dr. V. S. Agrawala and Panditarāja Sri Rajesvara Sastri has been going on for some time. With the help of the new Catalogus Catalogorum of Dr. V. Raghavan, a complete list of the Mss. of the Purāṇas and the Upapurāṇas has been prepared. The work of bringing out a critical edition of the Matsyapurāṇa has been going on in Madras under the guidance of Dr. Raghavan and the work of the critical edition of the Vāmanapurāṇa has been undertaken by Dr. V. S. Agrawala at Benares. The Samiti mentioned above has been also bringing out a Bulletin called Purāṇa, which publishes only Purāṇic studies by different

scholars aiming at the elucidation of the textual and other problems relating to the subject-matter embodied in the Purāṇas.

The preparation of a subjectwise encyclopaedia of Purāṇic material, publication of popular expositions of Purāṇas in English or Hindi are among the lines of work that are included among the objectives of the Purāṇa Prakāśana Samiti. The subject-concordance of six Purāṇas viz. Kūrma, Liṅga, Matsya, Mārkaṇḍeya, Viṣṇu and Vāmana is also ready (at the end of 1964).

For the critical edition of the Matsyapurāṇa, Dr. Raghavan is relying on more than thirty mss., all printed editions and an old Tamil translation. Besides, as each individual Purāṇa is closely connected with many other Purāṇas and as almost all Purāṇas have numerous common topics, Dr. Raghavan is using the other Purāṇas for parallel portions contained in them. As Purāṇas have been quoted in numerous Dharmaśāstra works, Dr. Raghavan has collected all quotations from the Matsya-purāṇa in *nibandha* works on Dharmaśāstra. His plan of work on the Matsya has been set forth in his Presidential Address at the 21st session of the All-India Oriental Conference held at Srinagar in 1961.

As the project of the critical editions of the Purāṇas is a long-term one, a Vyāsa Institute on a permanent basis at Benares is going to be established in the near future.

The constitution of the original text of the purāṇas is a Herculean task which has not yet been attempted. Not only is there difference of opinion among the purāṇas about the names of the 18 Mahā-Purāṇas, but there is divergence as regards the extent of the several purāṇas. For example, the commentator Viṣṇucitta of the Viṣṇupurāṇa says (on III. 6. 20-22) that the extent of the Viṣṇupurāṇa is variously given at 8000, 9000, 10000, 22000, 24000, but that he comments on a text of 6000 ślokas only. The Agnipurāṇa (272.10-11) says that it contains 12000 ślokas, while the Bhāgavata (XII. 13), the Brahmavaivarta, the Padma (ādi. 62) say that it contains 15400 ślokas and the Skanda (V. 3) and the Matsya 53 give the extent of the Agni as 16000. The Kūrma, according to the Bhāgavata, contains 17000, according to the Matsya 18000 and only 8000 according to the Agni (272. 19). Though there is a remarkable continuity in India as to religious thoughts



and practices, yet the popular religion of modern Hindus is pre-eminently *paūrāṇic*. The Purāṇas contain thousands of ślokas on dharmaśāstra matters, they are a rich mine awaiting exploration by careful students of social and religious questions and shed a flood of light on the development of religious beliefs and practices in medieval and modern India. Therefore, the re-constitution of the text of the purāṇas is a problem that will have to be tackled in the near future. Besides the several Mahāpurāṇas, eighteen Upapurāṇas also are enumerated in some of the Purāṇas. Vide Garuḍa (223.17 ff),<sup>458</sup> Skanda ( V. 3. chap. 1. 45-62 and VII. I. chap. 2 ), Padma ( Pātāla-khaṇḍa chap. 111. 95-98 and Matsya ( 53. 59 ff ) for Upapurāṇas. The Matsya-purāṇa ( chap. 53, verse 58 ) states that the 18 purāṇas reached in extent four lakhs of verses and also states that there were *upabhedas* ( i.e. Upapurāṇas ) and names some of them viz. Nārasimha, Nāndā, (Nāndam), Sāmba and Āditya. Besides the Mahāpurāṇas and Upapurāṇas, there are other works of the purāṇa class such as Gaṇeśa, Maudgala, Devī, Kalki &c. The Padmapurāṇa ( Uttarakhaṇḍa chap. 263 ) divides the 18 Purāṇas into three groups, *sāttvika*, *rājasa* and *tāmasa* and says that the Viṣṇu, Nāradya, Bhāgavata, Garuḍa, Padma and Varāha are *sāttvika*. The Matsya ( 53 ) also speaks of this division. The Liṅgapurāṇa ( 39. 63-66 ) speaks of the twenty expounders of dharma just as Yājñavalkya does and quotes the two verses in the form in which the Mit. presents them ( and not Viśvarūpa ), while the Padma ( Uttarakhaṇḍa 263. 86-89 ) divides the eighteen smṛtis into three groups of *sāttvika*, *rājasa* and *tāmasa*.<sup>459</sup> It would be quite clear to any reader of the purāṇas and the smṛtis that most of the former in their extant form are later than the smṛtis of Manu, Yājñavalkya, Parāśara, Nārada &c.

458 अन्यान्यपुराणानि मुनिभिः कथितानि तु । आद्यं सनत्कुमारोक्तं नारसिंहमथा-  
परम् ॥ तृतीयं स्कान्द- ( नान्द ? ) मुद्दिष्टं कुमारेण तु भाषितम् । चतुर्थं  
शिवधर्मार्थं स्यान्नन्दीश्वरभाषितम् ॥ दुर्वाससोक्तमाश्चर्यं नारदोक्तमतः परम् ।  
कापिलं वामनं चैव तथैवोशनसेरितम् ॥ ब्रह्माण्डं नारुणं चाथ कालिकाह्वयेव  
च । माहेश्वरं तथा साम्बं सौरं सर्वार्थसञ्चयम् । पराशरोक्तमपरं मारीचं  
भार्गवाह्वयम् ॥ गरुड. 223. 17-20.

459 वासिष्ठं चैव हारीतं व्यासं पाराशरं तथा । भारद्वाजं काश्यपं च सायणिका  
मुक्तिदाः शुभाः ॥ याज्ञवल्क्यं तथात्रेयं तैत्तिरं दाक्षमेव च । कौत्सं यज्ञ-  
वैष्णवं च राजसाः स्वर्गदाः शुभाः ॥ गौतमं बार्हस्पत्यं च सावर्त-  
रमृतम् । शाङ्खं चौशनसं देवि तामसा निरयप्रदाः ॥



The following table will give some idea as to how the eighteen principal purāṇas are rich in dharmaśāstra material. Besides the eighteen principal purāṇas, the Kālikā-purāṇa (Veṅkaṭeśvara press ed.) and the Saura-purāṇa (Ānandāśrama ed.) have been drawn upon. The Ānandāśrama editions of the Agni, Padma, Matsya and Vāyu and the Nirṇayasagara edition of the Bhāgavata and the Venkatesvara Press editions of the other Purāṇas have generally been relied upon in the present edition of the 1st volume.

It may be stated here that the Smṛti chapters in the Purāṇas are very much influenced by Manu, Yāj., Nārada and mostly by the first.

**Ācāra**—Brahma 113 ; Garuḍa 50 ; Kālikā 88 ; Kūrma (uttarārdha) 13 ; Liṅga (pūrvārdha) 89 ; Mārkaṇḍeya 31 ; Nārada (pūrvārdha) 26 ; Padma (Ādi 52-56, pātālakhaṇḍa 9, sṛṣṭikhaṇḍa 46) ; Skanda I (Kaumārikā 41), III. (dharmāranya 6), IV. I (pūrvārdha 38, 40) ; Śiva (kailāśasaṁhitā) chap. 18-20 (on ācāra of 'yati, making of a disciple, yogapaṭṭa) ; Vāyu 16 ; Viṣṇu III. 11-12.

**Āhnikā**—Agni 155 ; Brahma-vaivarta (Brahmakhaṇḍa) 26 ; Garuḍa 50 and 213-217 ; Kūrma (uttarārdha) 18-19 ; Liṅga 26 ; Mārkaṇḍeya 27 ; Nārada (pūrvārdha) 27 ; Padma (sṛṣṭi 46, uttara 233) ; Skanda IV. I (pūrvārdha) chap. 35 and III. 2 (dharmāranya-khaṇḍa) chap. 5.

**Āśauca**—Agni 157-158 (both kinds, on death and birth). Brahma 113 (on birth) ; Garuḍa (preta-khaṇḍa) chap. 5 ; Kūrma (uttarārdha chap. 23) ; Liṅga (pūrvārdha 89).

**Āśramadharmas**—Agni 160-161 ; Bhāgavata VII. 12 and 13, XI. 17 ; Brahma 114 ; Garuḍa 49 ; Kūrma (uttarārdha) 1-16 (brahmacārin and gr̥hastha) and 27-28 (vānaprastha and yati) ; Mārkaṇḍeya 25-26 ; Nārada (pūrvārdha 27 and 43) ; Padma (ādikhaṇḍa 58-60 for vānaprastha and yati, bhūmikhaṇḍa 59 for gr̥hastha, sṛṣṭikhaṇḍa 15) ; Saura 17 and 20 (vānaprastha and saṁnyāsin) ; Skanda IV. I (pūrvārdha) chap. 41 (vānaprastha and yati) ; Viṣṇu III. 9.



*Bhakṣyābhakṣya*--Brahmavai-  
varta (brahmakhaṇḍa 27,  
4th khaṇḍa, uttarārdha  
chap. 85); Kūrma (utta-  
rārdha chap. 17); Padma  
(ādikhaṇḍa 56).

*Brāhmaṇa*--vide under *varṇa-  
dharmas*;  
greatness of--Padma (bra-  
hmakhaṇḍa chap. 14) and  
sṛṣṭikhaṇḍa chap. 45);  
duties of--Kūrma (utta-  
rārdha, chap. 12 and 19);  
Saura 18; who is a  
worthy--Padma (sṛṣṭi 15);  
means of livelihood for--  
Kūrma (uttarārdha 25);  
Padma (sṛṣṭi 45).

*Dāna*--vide under *pratiṣṭhā*  
and *utsarga*.

Agni 209-213 (mahā-  
dānas); Bhaviṣya IV.  
150 ff; Brahma 109 (spe-  
cially annadāna); Bra-  
hmavaivarta (prakṛti-  
khaṇḍa 27); Garuḍa 51;  
Kūrma, uttarārdha 26  
(4 kinds, nitya, naimi-  
ttika, kāmya, vimala);  
Linga, uttarārdha 28  
(16 mahādānas); Matsya  
81-91, 205-206, 274-289  
(16 mahādānas); Nārada  
(pūrvārdha 13 and 31,  
uttarārdha 41-42);  
Padma (ādi 57, bhūmi-  
khaṇḍa 39-40 and 94,  
brahmakhaṇḍa 24, sṛṣṭi  
45 on godāna and 75,  
uttara 27 on annadāna,  
28 and 33); Saura 9-10;  
Śiva (Ujāsamhitā chap.

11 and 14); Skanda I  
(Kaumārikā - khaṇḍa 2  
for names of famous do-  
nors), III. 2 (dharmā-  
raṇya 34), VII. I. 5 and  
208; Varāha 99-111.

*Dravyasuddhi* — Agni 156,  
Bhāgavata XI. 21; Brah-  
ma 113; Linga (pūrvār-  
dha 89); Mārkaṇḍeya 32.

*Gotra and Pravara*--Matsya  
194-201; Skanda III. 2  
(dharmāraṇya-khaṇḍa) 9.

*Kalīśvarūpa*-- vide under  
*Yugadharmas*.

Brahma 122-123; Brah-  
māṇḍa (anusāṅgapāda  
chap. 31); Brahmavai-  
varta (prakṛtikhaṇḍa 7);  
Kūrma 30; Linga 40;  
Nāradiya (pūrvārdha 41);  
Skanda I (Kaumārikā-  
khaṇḍa chap. 40 and  
218-248), II (puruṣo-  
ttamamāhātmya chap.  
39), VI. 272; Vāyu  
I. 58.

*Kalivarjya*--Nārada (pū-  
vārdha chap. 24).

*Karmavipāka*--Brahma 108;  
Brahmavaivarta (prakṛti-  
khaṇḍa 26 and 28 and  
4th khaṇḍa uttarārdha  
85); Mārkaṇḍeya 15;  
Padma (Brahma-khaṇḍa  
5, pātālakhaṇḍa 48);  
Vāmana 12.

*Narakas*--vide under *pā-  
kas*. Agni 203 and 274;  
Brahma 20 (25 names



given ), 105 ( 22 names );  
Brahmavaivarta, prakṛti-  
khaṇḍa 29 ( for names of  
86 narakakunḍas ) and  
33 ; Padma ( uttara, chap.  
227 for names of 140 );  
Śiva ( umāsaṁhitā chap.  
8 for 28 narakas and  
chap. 16 ); Skanda I  
( kaumārikā-khaṇḍa 39 ),  
VI. 226-227, Viṣṇu I. 6.  
and II.6.

*Niti-vide* under *rājadharmā*;  
Garuḍa 108-114 ( summa-  
ry of Bṛhaspati-nīti ) and  
115 ( summary of Śau-  
naka ).

*Pātakas*—*vide* under *prāyaś-*  
*citta*; Agni 168 ( mahā-  
pātakas and lesser sins );  
Brahma 20 and 105-106 ;  
Mārkaṇḍeya 12-14 ; Nā-  
rada ( pūrvārdha 15 );  
Śiva ( umāsaṁhitā 5 for  
mahāpātakas and 6 for  
upapātakas ).

*Pratiṣṭhā*—Agni 38-106 ( bui-  
lding and consecration  
of temples, idols of Viṣṇu  
&c ); Garuḍa 45-48 ; Padma  
( uttarakhaṇḍa chap. 122  
and 127 for Śālagrāma );  
Matsya 258-270 ; Śiva I  
( vidyeśvara—saṁhitā  
chap. 11.

*Prāyaścitta*—Agni 170-174 ;  
Brahmāṇḍa ( upasaṁhā-  
rapāda chap. 8 ; Garuḍa  
52 ( specially for mahā-  
pātakas ) and 222 ; Kūrma-  
uttarārdha 30-34 ; Liṅga

90 ( for lapses of *yatis* );  
Nārada, pūrvārdha 14  
and 30 ; Padma ( brahma-  
khaṇḍa 18-19 ); Saura  
52 ; Varāha 68 ( for *aga-*  
*myāgamana* ), 131-136  
( for various lapses ), 179 ;  
Vāyu ( pūrvārdha 18 for  
lapses of *yati* ).

*Rājadharmā*—Agni 220-242 ;  
Kālikā 87 ; Mārkaṇḍeya  
24 ; Matsya 216-227, 240.

*Saṁskāra*—*vide* under *Vi-*  
*vāha* also.

Agni 153-154 and 166 ;  
Bhaviṣya I ( Brāhmapar-  
va chap. 3-4 and 7 );  
Nārada, pūrvārdha 25-26 ;  
Skanda IV. I ( pūrvārdha  
36 and 38 ); Viṣṇu III.10.

*Śānti*—Agni 149, 164, 167,  
259-268, 290-91, 320-  
324 ; Bhaviṣya IV chap.  
141 ff ; Brahmavaivarta  
IV ( uttarārdha chap. 82 );  
Matsya 92-93 and 228-  
239

*Śrāddhas*—Agni 117 ( accord-  
ing to Kātyāyana ) and  
163 ; Brahma 110-113 ;  
Brahmāṇḍa ( upodghāta-  
pāda 9-20 ); Kūrma-  
uttarārdha 20-22 ; Mār-  
kaṇḍeya 27-30 ; Liṅga,  
uttarārdha 45 ( jīvat-śrā-  
ddha ); Matsya 16-22 ;  
Nārada, pūrvārdha 128 ;  
Padma ( pātālakhaṇḍa  
101, sṛṣṭi 9 11 and 12 );  
Śiva ( kailāsaśaṁhitā  
21-23 ( about after-death



rites of *yati* ); Saura 19 ; Skanda VI. 215-225 and VII. I. chap. 205-207 ; Varāha 13-14 and 187-188 ; Vāyu (uttarārdha chap. 10-21 ) ; Viṣṇu III. 13-16.

*Strīdharmā*—Bhāgavata VII. 11 ; Bhaviṣya I chap. 11-15 ; Brahmaparivarta ( brahmakhaṇḍa 9 about greatness of *pativrata*, 4th khaṇḍa, uttarārdha 83 (about *pativrata*); Padma ( bhūmikhāṇḍa 41, pātāla 102, sṛṣṭi 47 and 49, uttara 234 ( duties of wife and co-wives ) ; Śiva ( Rudrasaṃhitā, Pārvatī-khaṇḍa 54 ) ; Skanda III. 2 ( dharmāranya-khaṇḍa 7 ).

*Tīrtha*—Agni 109-116; Bhāgavata VII. 14 ; Brahma 23, 26 ( Koṇārka in Orissa ), 39 ( Ekāmra ), 40-48 ( Jagannātha ), 54 ( Mahākāla at Ujjayinī ) ; Garuḍa 81-86 ; Kūrma, Pūrvārdha 31-35 ( Benares ), 36-38 ( Prayāga ), uttarārdha 35-44 ; Liṅga, pūrvārdha 92 ; Matsya 179-183 and 188-193 ; Nāradya, uttarārdha 39-40 ( Gaṅgāsnāna ), 45-47 ( Gayā ), 48-49 ( Benares ), 50 ( Śivaliṅgas ), 52-61 ( Jagannātha 62-81 ( numerous tīrthas ) ; Padma I. 13-49, Padma,

bhūmikhāṇḍa 90 and 92 sṛṣṭikhāṇḍa 14-15 and 18-19, 60 ; uttarakhaṇḍa 2, 20-25, 113, 129 ( numerous tīrthas named ), 130-169, 195 ; Saura 67 ; Śiva I. 12 ( koṭirudrasaṃhitā I-2, 8-33 ) ; Skanda I. ( aruṇācala - mātmya, uttarārdha 2 ), II ( puruṣottamamātmya 1-49 ) ; II. Badarikā-mātmya 1-8 ; III. 1 ; III 2. 31 ; V. 3 ( Revākhaṇḍa is full of tīrthas in 252 chapters ) and also VI and VII ; 33-42 and 50 ; Vāmana 141-176 ; Vāyu , uttarārdha 43-50 ( Gayā ).

*Tithi*—*vide* under *vratas* also. Brahma 120 ( ekādaśī ) ; Nārada, pūrvārdha 29 ( what tithi should be taken, *paraviddhā* or *pūrvaviddhā* ) ; Nārada, uttarārdha 2 ; Padma, brahmakhaṇḍa 13 ( janmāṣṭamī ), 15 ( ekādaśī ) ; Saura 51 ; Varāha 23-35 ( all tithis from 1st to amāvāsyā ).

*Utsarga*—( works of public utility such as tanks and wells, parks, prapās etc. ) —*vide* under *dāna* and *pratiṣṭhā*. Bhaviṣya II ; Nārada, pūrvārdha 18 ; Padma, sṛṣṭi 54, 55 ; uttara 28 ; Śiva ( Vāyeśvarasaṃhitā 11 ).



*Varṇadharmas*—Agni 151 ; Bhāgavata VII. 11. and XI. 17 ; Brahma 114-115 ; Garuḍa 49 ; Mārkaṇḍeya 25 ; Nārada, pūrvārdha 24, 43, 59, 70 ; Skanda VI. 242 ; Viṣṇu III. 8. mixed castes—Brahmavai-varta (Brahmakhaṇḍa 10).

*Vivāha—vide* under *saṁskāra*. Padma, uttara 223 and 232 ; Skanda IV, pūrvārdha 38.

*Vrata*—Agni 175-200, 204 (upavāsa) ; Bhaviṣya I. 17 ff, IV (several hundred vratas) ; Brahma 27 (upavāsa) ; Brahmavai-varta (4th khaṇḍa, pūrvārdha 8 and 26) ; Garuḍa 116-137, Liṅga, pūrvārdha 83-84 ; Nārada, pūrvārdha 17-22, 110-124 ; Matsya 54-80, 94-100 ; Padma (bhūmi 87, brah-

makhaṇḍa 3-4, 7, 11, 13, 15-16, 21-23, pātāla-khaṇḍa 86-96, 108, sṛṣṭi 20-24, 31, 76, 79-82, uttara 26, 31-32, 35-65, 66-71, 78, 85, 97, 125, 170, 240-41, 262 ; Skanda I. (Kedāra 33), II. 4. I-36, II. 5 and 7, V. I. 60-61, VI. 232-241 ; Śiva (Koṭirudrasaṁhitā 38, 40, Umāsaṁhitā 51) : Varāha 39-65.

*Vyavahāra*—Agni 253-258 ; Skanda I. (Kaumārikā-khaṇḍa) 44 (eight ordeals described).

*Yugadharmas*—*vide* also under *Kalīśvarūpa*.

Garuḍa 223 ; Liṅga 39 ; Matsya 141-143, 164 ; Nārada, pūrvārdha 41 ; Skanda VI. 272 ; Vāyu I. 32 and 58.

### 34. The Yājñavalkya-smṛti

This smṛti has been published dozens of times. In the following the Nirṇayasāgara edition edited by Śāstri Moghe (1892 A. D.) has been used and the Trivandrum edition when speaking of Viśvarūpa.

The name of Yājñavalkya is one of the most illustrious among Vedic sages. He is credited with having promulgated the White Yajurveda. In the Śāntiparva (chap. 312) we are told that there was a rupture between Vaiśampāyana and his pupil Yājñavalkya and that by worshipping the Sun the latter received the revelation of the White Yajurveda, the Śatapatha etc. The accounts in the Viṣṇu (3. 5), the Bhāgavata (XII. 6. 61-74) and other purāṇas differ somewhat from the one in the Mahābhārata, but all agree on the fact of the strained relations between Yājñavalkya and his teacher. The

Śatapatha Brāhmaṇa in several places alludes to the dialogues of Yājñavalkya and king Janaka of Videha on *agnihotra* (S. B. E. vol. 44 p. 46). Vide Śatapatha (ed. by Weber) XI. 6.2. At the end of the Śatapatha we are told that Vājasaneyā Yājñavalkya promulgated the bright Yajus formula received from the Sun.<sup>460</sup> In the Bṛhadāraṇyaka Upaniṣad Yājñavalkya appears as a great philosopher teaching the recondite doctrines of Brahma and immortality to one of his two wives, the philosophically minded Maitreyī (II. 4 and IV. 5). In the same Upaniṣad Yājñavalkya is represented as carrying away the one thousand cows set apart by Janaka for the most learned Brāhmaṇa (III. 1. 1-2) and Yājñavalkya is said to have imparted to Janaka the knowledge of the destiny of the soul after it is released from the bonds of flesh and worldly affections. Kātyāyana in his Vārtika on Pāṇini (IV. 3. 105)<sup>461</sup> speaks of the Brāhmaṇas of Yājñavalkya and very heated controversies have raged round the correct interpretation of the Vārtika and the Mahābhāṣya thereon (*vide* Max Müller's Ancient Sanskrit Literature p. 360, Goldstücker's Pāṇini, p. 132 ff and S. B. E. vol. 12 pp. xxxv-xxxviii). The controversies centre round the word 'tulyakālāni' in the Mahābhāṣya. It may mean either (1) that the Brāhmaṇa works by Yājñavalkya (mentioned as 'Yājñavalkāni Brāhmaṇāni') are also 'purāṇa-prokta' but in their case the affix 'ṇini' (in) is not applied; yet they are as old as those referred to in the Sūtra, or (2) that the Brāhmaṇas like those promulgated by Yājñavalkya are co-eval with Pāṇini and hence not 'purāṇa-prokta' and the termination 'ṇini' does not apply to them. Western scholars held that Pāṇini made a distinction between old and later Brāhmaṇa works and regarded Yāj. Brāhmaṇas as co-eval with himself.

It is to be noted that in the Yājñavalkyasmṛti itself<sup>462</sup> (III. 110) the author, whoever he may be, claims the authorship of the Āraṇyaka that he received from the Sun and the Yogaśāstra composed by him. This is simply put in to glorify the Yājñavalkya-smṛti as the work of a great and ancient

460 आदित्यानीमानि शुक्लानि यजूंषि वाजसनेयेन याज्ञवल्क्येन ख्यायन्ते । शतपथ  
XIV. 9. 4. 33.

461 पुराणप्रोक्तेषु बाह्यगकल्पेषु । पा. IV.3. 105.

462 ज्ञेयं चारण्यक्रमहं यदादित्यादधातवान् । योगशास्त्रं च मत्प्रोक्तं ज्ञेयं योगसमीपतः  
याज्ञ. III. 111.



sage, philosopher and yogin. From the style and the doctrines of the smṛti it is impossible to believe that it was the work of the same hand that gave to the world the Upaniṣad containing the boldest philosophical speculation couched in the simplest yet the most effective language. Even orthodox Indian opinion was not prepared to admit the unity of authorship in the case of the smṛti and the Āraṇyaka. The Mitākṣarā says at the beginning that some pupil of Yāj. abridged the dharmaśāstra in the form of a dialogue.<sup>463</sup> It will be shown later on that, though the sage who promulgated the Āraṇyaka and the author of the smṛti cannot be identical, yet the Yājñavalkya-smṛti is much more closely connected with the White Yajurveda and the literature particularly belonging to it than with any other Veda.

The Yājñavalkyasmṛti contains (in the Nirṇayasāgara ed. of 1892) 1010 verses, while the Trivandrum edition with the commentary of Viśvarūpa contains 1003 verses and Aparārka gives 1006 (Ānandāśrama edition). The difference in the number is mostly due to the fact that Viśvarūpa in the first section on ācāra omits five verses that occur in the Mitākṣarā.<sup>464</sup> As regards one of them (the verse 'rathyākardamatoyāni' I. 197 according to the Mit.) Viśvarūpa notices it and says that some read it after the verse "mukhajā vipruṣā" and that it adds nothing to what precedes. Aparārka explains that verse. In the second section on vyavahāra Viśvarūpa reads verses<sup>465</sup> which do not exist in the Mitākṣarā nor in Aparārka. On the other hand Viśvarūpa seems to doubt the authenticity of the well-known verse on re-

463 याज्ञवल्क्यशिष्यः कश्चित्प्रश्नोत्तररूपं याज्ञवल्क्यप्रणीतं धर्मशास्त्रं संक्षिप्य कथयामास ।

464 Viz. the verses आज्ञासम्पादिनी (I. 76), रथ्याकर्दमतोयानि (I. 197), यावद्वृत्तस्य पादौ (I. 207), two half verses, तथाच्छादनदानं च (I. 232) and अपहृता इति निलान् (I. 234), दध्यञ्जं (I. 289).

465 For example, the verse आगमेन विशुद्धेन भोगो याति प्रमाणताम् । अविशुद्धागमो भोगः प्रामाण्यं नाधिगच्छति । (Tri. ed. II. 29) and कुलानि जातयः श्रेण्यो गणान् जनपदानपि । स्वधर्माच्चलितान् राजा विनीय स्यात् येत्पथि ॥ (Tri. ed. II. 24) do not occur in the Mit. The first is नादः (ऋणादान 85) and also occurs in the अग्निपुराण 253. 56-57.

union and reads it also differently<sup>466</sup> (anyodaryasya saṁsr̥ṣṭi). Two verses that are Yāj. III. 255-56 ( 'Rajakavyādha°' and 'Śvapākam pulkasam°.' ) in Viśvarūpa's text are not found in the Mitākṣarā nor in Aparārka.

Not only this but in some cases the arrangement of verses is not the same in both Viśvarūpa and the Mit. For example, verses 14-29 of the prāyaścitta section present very different sequences in both. What is verse 29 in the Trivandrum edition is verse 19 in the Mit. Besides, the Mit. reads one verse ( III. 23 'ā dantajanmanah &c. ) which is wanting in Viśvarūpa and is also not commented upon by Aparārka. Viśvarūpa adds two half verses,<sup>467</sup> which do not occur in the Mit. and Aparārka. There is further a good deal of variance in the readings adopted by Viśvarūpa and the Mit., though the meaning is not often affected. For example, the two verses enumerating the names of writers on dharma are differently worded in both.<sup>468</sup> But Medhātithi favours the reading of Viśvarūpa.<sup>469</sup> Viśvarūpa reads "asvattam loka-vidviṣṭam" ( I. 155 ) and notices a reading "asvantam," while the Mit. reads "asvargyam loka &c." Both the Mit. and Aparārka read "pitā pitāmaho bhrātā &c." ( I. 63 ), while Viśvarūpa reads "pitā mātāmaho bhrātā," remarks that "mātāmaha" is put in earlier as a guardian for marriage for metrical reasons and then notices "pitā pitāmaho bhrātā" as a various reading. Even in the days of Viśvarūpa there were various readings in Yāj. ( *Vide* com. on I. 1, 2, 51, II. 119, 179 etc. ).

The Agnipurāṇa affords an excellent check for the consideration of the text of the Yājñavalkyasmṛti. A good-sized monograph will be required to deal exhaustively with the questions raised by the comparison of the vyavahāra portion of the Agnipurāṇa with Yājñavalkya's vyavahāra-kāṇḍa.

466 अत्रापरे पूर्वश्लोकविवरणस्थानीयमिमं श्लोकं पठन्ति अन्योदर्यस्य संसृष्टी &c. ( II. 143 ).

467 The two half verses are ब्राह्मणस्य दशाहं तु भवति प्रेतसूतकम् । ( 19 a ) and प्रायानाशकशस्त्राम्निविषाद्यैरिच्छता स्वयं ( 24 b ) in Tri. ed.

468 *Vide* note 310 above.

469 अतः स्मृतपरिगणना मनुर्विष्णुर्यमोङ्गिरा इति निर्मूला तथा हि पैठीनसि-  
प्रचेतःप्रभृतयः शिष्टैरेवंरूपाः स्मर्यन्ते । न च परिगणनायामन्तर्भावितः  
on मनु II. 6.



I shall only briefly examine the materials and state the conclusions at which I have arrived. We know that Viśvarūpa, the first extant commentator of Yāj., flourished about 800-825 A. D. The author of the Mitākṣarā flourished about 250 years later. Interesting results follow by a comparison of the text that these two commentators had before them with the Agnipurāṇa. I shall select chap. 256 of the Agnipurāṇa for a detailed examination. It contains 36 verses which all occur in Yāj. II. ( verses 118-153 of Tri. ed. and verses 114-149 of the Mit. ). It is found that the Agnipurāṇa agrees with the text of 12 verses word for word as contained in Viśvarūpa and 19 verses as contained in the Mit. Viśvarūpa puts three verses between the two verses 'pitṛdravyāvināśena &c.' and 'kramādabhyāgatam dravyam', while the Mit. brings the two verses together. In several cases the readings of the Agnipurāṇa agree with Viśvarūpa's text and not with that of the Mit. For example, Agni. reads 'kāryāḥ patnyaḥ samāṁśikāḥ' with Viś. ( 119 ), reads 'bhūryā... dravyam-eva vā ... putrasya cobhayoḥ' with Viś. ( 124 ), reads 'pitṛdravyāvināśena' (and not 'vyāvirodhena' as Mit. does) with Viś. ( 122 ), reads 'dadyāt-cāpaharec-cāṁśam' with Viś. ( 142 b ), reads 'Patitas-tatsutaḥ klībaḥ' with Viś. ( 144 a ), reads 'aprajāyāmatitāyām' with Viś. ( 148 ). The Agnipurāṇa, however, in a far larger number of cases agrees with the readings of the Mit. Agni ( 256.8 ) reads with the Mit. ( 122 ) 'vibhakteṣu suto jātaḥ savarṇāyām vibhāgabhāk,' Agni. reads 'mātāpyamśam samam haret' with the Mit. ( 123 ), while Viś. ( 127 ) reads 'mātāpyamśam samāpnuyāt.' Viśvarūpa's reading leaves it undecided as to what the share of the mother is to be, while the Mit. makes it definite by stating that it is equal ( to that of a son. ). Agni ( 256.12 ) reads 'catustri-dvyeka-bhāgāḥ syuḥ' and 'vidjāstu dvyekabhāgināḥ' with the Mit. ( 125 ); Agni ( 256.21 ) reads—'rdhabhāgikam' with the Mit. ( 134 ). Agni. ( 256.27 ) reads 'andhoś cikitsyarogādya' with the Mit. ( 140 ), while Viś. ( 144 ) reads 'rogī ca.' The reading of the Mit. makes provision by the word 'ādya' for other persons like deaf-mutes mentioned in other smṛtis as not entitled to inherit, while Viś. has to put a forced interpretation on 'ca' as including such persons. The Agni ( 256.33 ) reads 'vyayam dadyāc-ca sodayam' with the Mit. ( 146 ), while Viś. ( 150 ) reads 'dāpyaś-ca sodayam.' Agni ( 256.36 ) reads 'vibhāgabhāvanā jñeyā grha-kṣetras-ca'

yautakaiḥ' with the Mit. (149), while Viś. (153) reads 'bhāvanā deya grha-kṣetrakayautakaiḥ.' Here the former reading is easy and gives a complete sentence. With Viś. we have to separate 'bhāvanā' and 'ādeya &c.' Besides, no predicate (like jñeyā or kāryā) is expressly mentioned in the verse if we take the reading of Viś. and the 'ka' in 'kṣetraka' is a redundancy. We find that the tendency of the readings of the Mit. is to smooth down harsh or involved constructions and that the Agnipurāṇa presents most of the changes in the text found in the Mit. but not found in Viś. In the same direction points the fact that Agni (256.35) reads 'na dattaṁ stridhanam yasyai' with the Mit. (148) and not 'yasyā' as Viś. (152) does, as 'yasyai' is grammatically more regular than 'yasyāḥ' with the form 'dattaṁ.' But as against this we may note that both Viś. and Agni read 'aprajāyāmatī-tāyām', while the Mit. reads 'atītāyāmaprajasi.' The reading 'aprajasi' is correct according to Pāṇini (V. 4. 122) and not 'aprajāyām'. Therefore, the conclusion that follows is that the text of Yāj. preserved in the Agnipurāṇa is intermediate between the text of Viśvarūpa and that of the Mitākṣarā. As Viśvarūpa flourished about 800-825 A. D., the Agnipurāṇa represents a text of Yājñavalkya current somewhat later i. e. about 900 A. D. In my 'History of Sanskrit Poetics' (pp. III-V) I established, from the fact that the extant Agnipurāṇa quotes Daṇḍin and Bhāmaha and knew the theory of *dhvani*, that it was composed about 900 A. D. That date is strikingly corroborated by the evidence derived from the chapters on vyavahāra discussed above. It is no doubt true that the Agni presents some readings that are found neither in Viś. nor in the Mit. For example, it reads (256.4) 'tābhya rterpayet', while both Viś. and Mit. read 'tābhya rtesnvyah.' It is probable that this is an error of the copyists or the reading may be due to the difficulty of understanding the meaning of 'anvayaḥ' there. Agni reads (256.5) 'svayam-arjayet' for 'svayam-arjitam' (of Viś. and Mit.) and 'jātopi dāsyām śūdrasya' (256.20) for 'śūdreṇa' (of Viś. and Mit.). A detailed examination of the other chapters on vyavahāra will yield the same results. But it cannot be undertaken here. A few examples may however be cited. Viś. (II. 167) reads 'pālo yeṣām ca te mocyā daiva-rājapariplutāḥ', Agni (257.14) 'pālo yeṣām tu te mocyā daivarājapariplutāḥ', while Mit. (163) reads 'pālo yeṣām na te.....tāḥ'. Similarly, Viś. (II.179) and Agni (257.26) read 'svakuṭumbāvirodhena'



deyam' while the Mit. ( 175 ) reads 'svam kuṭumbāvirodhena.' Viś. ( II. 203 ) reads 'galat-sabhikavṛddhistu,' while both Agni ( 257.49 ) and Mit. ( II. 199 ) read 'glahe śatikavṛddhestu,' which certainly is an easier reading. Agni 258.45 occurs in Mit. ( 255 ), but is wanting in Viśvarūpa. Yāj. II. 228 in Viś. becomes in the Mit. verse 263, Agni following the order of Viśvarūpa.

The total number of verses on vyavahāra in Agnipurāṇa, chap. 253-258, is 315. Out of this the first 31 are not taken from Yāj. All of them except the first half verse and verse 31 ( chap. 253 ) occur in Nārada. Of the remaining 284 verses, only  $4\frac{1}{2}$  ( Agni 253. 35, 255. 43a, 255. 49b and 50, 258. 83 ) do not occur in Yāj. ( in both Viś. and Mit. ). There are also a few verses that occur in the Agnipurāṇa and in Viśvarūpa, but not in the Mit. and also a few verses that are common to the Mit. and Agni but are not found in Viś. The first three verses of Yāj. II are compressed by the Agnipurāṇa into  $1\frac{1}{2}$  verses.

The Garuḍapurāṇa affords, like the Agnipurāṇa, material help towards examining the authoritativeness of the text of the first and third sections of Yāj. The Agnipurāṇa does not expressly say that it drew upon Yāj., but the Garuḍapurāṇa is explicit on the point. In chap. 93.1. it is expressly said that the *dharma* formerly promulgated by Yājñavalkya is being narrated 'Yājñavalkyena yat ( yaḥ ? ) pūrvam dharmam ( dharmah ? ) proktam ( °taḥ ? ) katham Hare tan me kathaya kesighna yathā tattvena Mādhava ॥.' Chapters 93-106 contain dharmaśāstra material more or less taken from the Yājñavalkyaśmṛti. There are 376 verses in these chapters. Considerations of space forbid any detailed examination of this material. A few salient facts only are brought out here. Chapters 93-102 deal with the several topics ( prakaraṇas ) of the first kāṇḍa in the same order, the only exception being the topics of rājadharmā ( I. 309-368 ), which is omitted in the Garuḍapurāṇa. Chapters 102-106 treat of topics that occur in the third kāṇḍa of Yāj. and contain 121 verses only. In these chapters the order of the prakaraṇas in Yāj. is not observed at all, but Garuḍa speaks of them in the following order: vānaprastha-prakaraṇa, yati, karmavipāka, prāyaścitta, āśauca and āpaddharma ( the last two being the first two prakaraṇas in Yāj. ). A feature which strikes one as regards the Garuḍapurāṇa ( particularly chap. 102-106 ) is that a few



verses only of Yāj. are repeated word for word, that very often the Garuḍapurāṇa gives only a summary by omitting and transposing the words and phrases of the original and that sometimes it adds verses of its own. This may be illustrated by what the Garuḍa says on vānaprastha and yati (chap. 102-103, 12 verses in all). Chap. 102 begins 'vānaprasthāśramam vaksye tac-chṛuvantu maharṣayaḥ | putreṣu bhāryām nikṣipyā vanam gacchet sahaiva vā ||'. The latter half is a paraphrase of Yāj. III. 45a. Then III. 45b-46 (Mit.) = Garuḍa 102.2-3a (with slight variations), III. 47 = Garuḍa 102.4 b-5a; III. 48 = 3b-4a; III. 49-50 = Garuḍa 5b ('pakṣe māsetha vāśnīyād-dantolūkhaliko bhavet', which summarises and retains some words of the original), III. 71 = Garuḍa 102.6a (cāndrāyaṇī svapedbhumau karma kuryāt phalādīnā, which includes a few words of III. 49b also), III. 52 = Garuḍa 6b-7a (the last pāda in Garuḍa is 'yogābhyāsāt dinam nayet,' while in Yāj. it is 'śaktyā vāpi tapaś-careṭ'), III. 53 = Garuḍa 102.7. Chap. 203 contains only five verses. III. 56, 58-59 = Garuḍa 103. 1b-4a (with variants) and then Garuḍa adds 1½ verses which are not found in Yāj. (viz. 'bhavet-paramahamso vā ekadandī yamāditaḥ || siddhayogas-tyajan deham-amṛtatvam-ihāpnuyāt | dātātithipriyo jñānī grhī śrāddhepi mucyate ||'). The mere fact that a prakaraṇa is omitted in the Garuḍapurāṇa should cast no doubt on the existence of that prakaraṇa in the original Yāj. We do not know on what principles the borrowing took place. Besides, we find that such prakaraṇas as Vināyakaśānti and grahaśānti are included in the Garuḍa (chap. 100-101), while rājadharmā prakaraṇa is omitted. We know that 'rājadharmā' figures in the sūtras and Manu, but none of the ancient dharmasūtras, nor the Manusmṛti speaks of Vināyaka. Hence conclusions must be drawn only from what positively occurs in the Garuḍapurāṇa and not from the absence of any topic in it. The Garuḍapurāṇa sometimes follows the arrangement and form of the verses presented in Viś., sometimes it agrees with the Mit. and sometimes it is independent. For example, the two verses enumerating the authors of dharmaśāstras (Yāj. 1. 4-5 = Garuḍa 93. 4-5) follow the readings of Viś., but not those of the Mit. In the 3rd kāṇḍa, verses 14-19 of the Mit. are differently arranged by Viś., and Viś. omits (as does Aparārka also) one verse found in the Mit. (III. 23) as mentioned above, while the Mit. omits two half verses that are found in Viś. (vide note 313). The verse 'ā danta &c.' occurs in the

Garuḍapurāṇa and the two half verses in Viś. omitted by the Mit. are also omitted in Garuḍa. So far the Garuḍapurāṇa agrees with the arrangement preserved in the Mit. But it does not agree entirely with the Mit. The verse 'ādanta &c' is III. 23 in the Mit. and occurs before 'ahastvadatta°' but in the Garuḍa it occurs before 'trirātram daśarātram vā ( which is III. 18 in the Mit. ). Besides, verse 22 of the Mit. is read differently in the Garuḍa (daśa dvādaśa varṇānām tathā pañcadaśaiva ca | trimśad dināni ca tathā bhavati pretasūta-kam). It must, therefore, be said that the Garuḍapurāṇa represents an intermediate stage of readings between Viś. and the Mit. As the Garuḍapurāṇa was a popular work read by and recited for the benefit of slightly educated or illiterate people, it often introduces changes to suit their understanding. For example, the Mit. ( I. 296 ) reads ( as also Viś. ) 'sūryaḥ somo mahīputraḥ somaputro brhaspatiḥ,' while Garuḍa reads ( chap. 101.2 ) 'sūryaḥ somo *maṅgalaś* ca *budhaś* caiva brhaspatiḥ,' thus substituting the well-known words Maṅgala and Budha for Mahīputra and Somaputra. The verse 'kṛtāgnikāryo bhuñjita' ( I. 31 in the Mit. ) is placed by Viś. after 'ekadeśam – upādhyāya,' while the Mit. places it three verses earlier. The Garuḍapurāṇa here agrees with the Mit. In some cases Garuḍa strikes an independent path. For example, in Yāj. I. 11 Viś. reads 'māse 'to jātakarma ca,' the Mit. reads 'māsyete jātakarma ca', while Garuḍa ( chap. 93. 11 ) gives the easy reading 'prasave jātakarma ca'. Mit. reads ( Yāj. I. 76 b ) 'tyajan dāpyastrīyāṁśam–adravyo bharaṇam striyāḥ'; Viś. omits the whole verse, while Garuḍa omits I. 76a ( of Mit. ) and reads the other half as 'śuddhām tyajamstrīyāṁśam dadyādābharāṇam striyāḥ' ( 95. 23b ). Verses I. 91–92 of the Mit. on the offspring of mixed marriages are differently read by Viś. ( I. 90–91 ), while the Garuḍa ( 96. 1 b ) has the same half verse as the Mit. I. 91 a and the same half verse ( 96. 3 a ) as Viś. ( 91 b ) and reads the two half verses between them as 'jāto 'mbasthastu sūdrāyām niśadaḥ pāraśavopi vā || māhiśyaḥ ksatriyājāto vaiśyāyām mlecchasamjñitaḥ'.

The foregoing makes it clear that the text that the Garuḍapurāṇa had before it could not have been older than that commented upon by Viśvarūpa and that it represents a stage intermediate between Viś. and the Mit.

The above gives rise to an important question whether one can detect several strata in the Yājñavalkyasmṛti.



the fact that the sūtra of Śaṅkha-Likhita cites Yājñavalkya among the promulgators of dharmaśāstras ( vide note 137 ), while Yāj. himself includes Śaṅkha-Likhita among the propounders of dharma ( note 258 ), it may be plausibly said that Śaṅkha-Likhita refer to an earlier Yājñavalkyasmṛti than the extant one. Beyond this there is no evidence to establish that there was an earlier version of the present smṛti. A comparison of the readings of Viśvarūpa and the Mit. with those in the Agni and Garuḍa purāṇas has established that the text of the smṛti no doubt underwent slight verbal changes between 800 and 1100 A. D. and that a few verses were added and also omitted during these centuries. But the text remained in the main the same from 700 A. D. What the original smṛti contained, whether it was in prose or verse or both and whether it dealt with only ācāra and prāyaścitta sections are questions on which conjectures may be advanced, but there are no substantial materials for arriving at even tolerably certain conclusions.

Yājñavalkya's work is more systematic than that of Manu. He divides the work into three sections and relegates all topics to their proper positions and avoids repetition. He treats of almost all subjects that we find in Manu, but his treatment is always concise and he makes very great and successful efforts at brevity. The result is that for the 2700 verses of Manu, he requires only a little over a thousand. He often compresses two verses of Manu into one, e. g. Manu II. 243, 247, 248 are equal to Yāj. I. 49, Manu III. 46-48 and 50 are concisely put in one verse by Yāj. ( I. 79 ); vide also Manu IV. 7-8 and Yāj. I. 128 ( contains almost same words also ), Manu IV. 84-85 and Yāj. I. 141. In a few cases Manu and Yāj. convey the same meaning in one verse without compression, e. g. Manu III. 70 and Yāj. I. 102, Manu III. 119 and Yāj. I. 110. Manu VII. 17 and Yāj. I. 348, Manu VII. 205 and Yāj. I. 349. The correspondence of Yājñavalkya's words with the text of Manu is in most cases very close, so much so that one cannot help feeling that Yāj. had the Manusmṛti before him and purposely made an attempt to abridge the somewhat loose expressions of Manu. The passages set forth above as examples of compressions will serve as illustrations of this fact. The word Kāya ( from Ka ) is used by both in the sense of 'prajāpatya form of marriage' ( Manu III. 38 and Yāj. I. 60 ); vide also Manu II. 109 and Yāj. I. 28, Manu III. 42-44 and Yāj. I. 62, Manu V. 26-27



and Yāj. I. 178-179, Manu VII. 56 and Yāj. I. 312 for further close agreement in phraseology. Yāj. adds some subjects which have either no counterpart in our Manu or which are only noticed in passing by Manu. The Manusmṛti contains nothing corresponding to the Vināyakaśānti and Grahaśānti of Yāj. (I. 271-308). Yāj. gives a detailed treatment of five kinds of ordeals (in II. 95-113), while Manu makes only a cursory reference to the ordeals of fire and water (VIII. 114). Yāj. contains considerable anatomical and medical matter (III. 75-108), which is wanting in Manu. On the other hand, there are some subjects on which Yāj. is silent though they are dealt with in detail by Manu. This is the case with the account of the origin of the world.

The whole of the Yājñavalkya-smṛti is written in the classical Anuṣṭubh metre. Though the author's great aim has been to be concise, his verses are hardly ever obscure. The style is flowing and direct. There are not many un-Pāṇinian expressions, though he employs 'pūjya' in I. 293 and 'dūṣya' in II. 296. In the latter case both Viśvarūpa and Aparārka avoid the fault by reading differently. The verse 'kulāni jātayaḥ śreṇyo' is ungrammatical (Tri. ed. II. 34), as 'jāti' and 'śreṇi' must be in the accusative case. According to the Mit. Yājñavalkya addressed his words to Sāmaśravas and other sages (vide com. on I. 178 and III. 330-333). In this the Mit. is probably drawing upon the Br. Up. (III. 1. 2), where Yāj. asks Sāmaśravas to take away the 1000 cows. The sages interpose (vide III. 118, 129) as in Manu, while the great teacher is passing in review one topic after another. The teacher himself addresses his auditors (as in I. 178 'śruṇudhvam' and 'nibodhata' in I. 272). Yāj. employs the first person about himself as in I. 56 'naitan-mama matam' and in III. 126 'sahasrātmā mayā yo va ādideva udāhṛtaḥ').

It is said that the sages approached Yājñavalkya in Mithilā and requested him to impart to them the *dharma*s of the *varṇas*, *āśramas* and others. The contents of the work may be briefly summarised as follows:—Kāṇḍa I: fourteen *vidyās*; twenty expounders of *dharma*, sources of *dharma*; constitution of a *pariṣad*, the *saṃskāras* from *Garbhādhāna* to marriage; upanayana, its time and other details; every-day duties of brahmacārin, persons fit to be taught, what things and actions a brahmacārin was to avoid, period of studenthood; marriage



qualifications of girl to be married, limits of *sapiṇḍa* relationship, intercaste marriages; the eight forms of marriage and the spiritual benefits therefrom, guardians for marriage, Kṣetrajason; grounds of supercession of wife, duties of wife; principal and intermediate castes; duties of householder and keeping sacred domestic fire, the five great daily yajñas; honouring a guest, *madhuparka*, grounds of precedence, rule of the road, privileges and duties of the four *varṇas*; ten principles of conduct common to all; means of subsistence of a householder, and solemn vedic sacrifices; duties of *snātaka*, days of cessation from study; rules about prohibited and allowed food and drink; rules about flesh-eating; purifications of various materials, such as metal or wooden vessels; gifts, who is fittest to accept them, who should accept gifts, rewards of gifts, gift of cow, rewards of other gifts, highest gift is knowledge; *śrāddha*, proper time for it, proper persons to be invited at it, unfit persons, the number of Brāhmaṇas to be invited; procedure of *śrāddhas*; various *śrāddhas* such as *pārvaṇa*, *vṛddhi*, *ekoddista*; *sapiṇḍikaraṇa*; what flesh to be offered at *śrāddha*, reward of offering *śrāddhas*; propitiatory ceremonies as regards *Vināyaka* and the nine *grahas*; *rājadharmā*, king's qualifications; ministers, *purohita*, royal edicts, king's duties of protection; administration of justice; taxation and expenditure; allotment of the day to various duties; constitution of *maṇḍala*, the four expedients, the six *guṇas*; fate and human effort; impartiality in punishment; units of measure and weights; grades of fine; Kāṇḍa II. members of the hall of justice, judge, definition of *vyavahārapada*, rules of procedure, plaint, reply, taking security, indicia of a false party or witness; conflict of *dharmaśāstra* and *arthaśāstra*; means of proof, documents, witnesses, possession; title and possession; gradation of courts; force, fraud, minority and other grounds of invalidity; finding of goods; treasure-trove; debts, rates of interest, debts of joint family; what debts of father son need not pay: devolution of debts; suretyship of three kinds; pledge; deposit; witnesses, their qualifications and disqualifications; administering oaths, punishment for perjury; documents; ordeals of balance, water, fire, poison and holy water; partition, time of it, wife's share on partition, partition after father's death, property not liable to partition, joint ownership of father and son; twelve kinds of sons; illegitimate son of *śūdra*; succession to a sonless man; re-union; exclusion; husband's power over wife's *strīdharmā*; boundary disputes; dispute between master and herdsman, sale





without ownership; invalidity of gift; rescission of sale; breach of contract of service; slavery by force; violation of conventions; non-payment of wages; gambling and prize-fighting; abuse, defamation and slander; assault, hurt etc.; *sāhasa*; theft; adultery; miscellaneous wrongs; review of judgment; Kāṇḍa III—cremation and burial; offering of water to various deceased persons; for whom no mourning was to be observed and no water to be offered; periods of mourning for various persons; rules for mourners; impurity on birth; instances of immediate purification on death or birth; means of purification, such as time, fire, ritual, mud etc.; rules of conduct and livelihood in distress; rules for forest hermit; rules for a *yati*; how the individual soul is clothed in a body; various stages of the foetus, number of bones in the body, the various organs such as liver, spleen etc.; the number of arteries and veins; reflection over *ātman*; use of music in the path of *mokṣa*; how the originally pure *ātman* is born among impure surroundings; how some sinners are born as various kinds of animals or inanimate things; how *yogin* attains immortality; three kinds of actions due to *sattva*, *rajas* and *tamas*; means of *ātma-jñāna*; the two paths, one to immortality and the other to heaven; the various diseases from which sinners suffer; purpose of *prāyaścittas*; names of 21 hells; the five mortal sins and other acts similar to them; *upapātakas*; *prāyaścittas* for brāhmaṇa murder or for killing other persons; *prāyaścittas* for drinking wine, for other mortal and venial sins and for killing animals of various sorts; greater or lesser expiation according to time, place, age, ability; ostracizing the non-conformist sinner; secret expiations; ten *yamas* and *niyamas*; *Sāntapana*, *Mahāsāntapana*, *Taptakṛcchra*, *Parāka*, *Cāndrāyaṇa* and other expiations; rewards of reading this smṛti.

Besides the four Vedas, Yāj. refers to the Vedāṅgas as six and enumerates fourteen vidyās (four Vedas, six āṅgas, purāṇa, nyāya, mīmāṃsā, dharmaśāstra). He refers to the *Āraṇyaka* and *Yogaśāstra* composed by himself. *Āraṇyakas* in general are spoken of in I. 145 and Śukriya *Āraṇyaka* in III. 309. The Upaniṣads are mentioned in III. 189, where Purāṇas are mentioned in the plural. Itihāsas, Purāṇa, Vākyo-  
vākya, and Nārāyaṇī gāthās are mentioned in I. 45 (also I. 101 for Purāṇa and Itihāsa). He enumerates at the commencement nineteen authors on *dharma*, besides himself. But it



is remarkable that in the body of the work not one individual author of a dharma-śāstra is mentioned by name. He speaks of Ānvikṣikī (Metaphysics) and Daṇḍanīti (I. 311). He lays down the dictum that where dharmaśāstra and arthaśāstra conflict, the former shall prevail (II. 21). He speaks of smṛtis in general (II. 5 and I. 154). In III. 189 (III. 180 in Viśvarūpa who reads 'Purāṇam ca'), he names several sections of Sanskrit literature viz. Vedas, Purāṇas, Vidyās (Dharmaśāstra and others), Upaniṣads, ślokas, sūtras and bhāṣyas. This is an echo of Brhadāraṇyakopaniṣad II.4.10 and IV.5.11 quoted below.<sup>470</sup> He speaks of sūtras and bhāṣyas. What works are intended it is most difficult to say; the only extant bhāṣya which can be said with certainty to be older than the extant Yāj. smṛti is that of Patañjali. He refers to other writers on dharma in the word 'eke' (I. 36). The view referred to there occurs in Baud. Dh. S. 1. 2. 4.

Yāj. III. 185 refers to eight guṇas, which appears to be a reference to Gautama Dharmasūtra 8. 23-24. Similarly, Yāj. III. 186 (referring to 88 thousand sages who were householders) has in view Āp. Dh. S. II. 9. 21. 3 (Aṣṭāśītisahasrāṇi ye prajāṃ-iṣire ṛsayah &c). It appears that the Matsya-purāṇa (53. 5-6)<sup>471</sup> quoted below copies the words of Yāj. I. 3 (Purāṇa-nyāya.....dharmasya ca caturdaśa) and thereby helps to some extent in arriving at the probable date of Yāj.

It is necessary to say a few words about the verses of the Yoga-Yājñavalkya which has 12 chapters and about 496 verses plus ten additional verses, in all 506 only.

Briefly the contents of the twelve chapters are as follows : Chap. I (70 verses) - In an assembly of sages, in which Maitreyī (the best of married women) and Gārgī (the best among experts in knowledge of Brahma), were present, when Gārgī prostrated herself on the ground and requested Yājñavalkya to impart to her the essence of Yoga. Yāj. agreed to impart to her the essence of Yoga together with its āṅgas. He said

470 एवं वा अरेऽस्य महतो भूतस्य निश्चसितमेतद्यद्वेदो यजुर्वेदः सामवेदोऽथर्वाङ्गिरसं इतिहासः पुराणं विद्या उपनिषदः श्लोकाः सूत्राण्यनुव्याख्यानानि व्याख्यानानि । मै. उप. IV. 32, बृह. II. 4. 10.

471 अङ्गानि चतुरो वेदाः पुराणं न्यायविस्तरम् । मीमांसा धर्मशास्त्रं च परिग्रह्य मया कृतम् ॥ मत्स्यरूपेण च पुनः कल्पादावुदकार्णवे ॥ मत्स्यपु. 53. 5-6.



that he would impart to her the knowledge of Yoga which Brahmā communicated to him and requested the assembly of sages to listen to the Yoga that would be described by him. He dealt with knowledge and appropriate actions, as follows: actions are the way of knowledge which is twofold viz. *pravartaka* (i. e. inducing men to act) and *nivartaka* (i. e. making men to cease from ordinary acts). He said there are four āśramas laid down by the Veda. Man owes debts to gods, ancestors and sages (*ṛsis*) and pays off the debts (respectively) by sacrifices, by having sons and by *brahmacarya* as regards sages); there are four āśramas, all four for a brāhmaṇa, three for a kṣatriya, two for vaiśyas and one for śūdras; men in the four āśramas should perform the duties of those āśramas out of the four that may be applicable to their cases respectively; there are different *aṅgas* of Yoga applicable to the persons in the community. Yoga has eight *aṅgas* viz. Yama, Niyama, Āsana, Prāṇāyāma, Pratyāhāra, Dhāraṇā, Dhyāna and Samādhi. Yamas are ten viz. Ahimsā, truthfulness, asteya &c. and there are also ten *niyamas* viz. tapas, santosa, āstikya, dāna, worship of god, listening to the fundamental principles of conduct, Hrī, Mati, Japa (vācika and mānasa) and vratas; (chap. 3) Āsana (bodily postures of eight sorts); Nāḍis (14 chief ones such as Idā, Piṅgalā, Suṣumṇā, &c.); ten vāyus (such as Prāṇa, Apāna &c.) and their special functions); Nāḍisuddhi (described in chap. V); Prāṇāyāma (description of), *Recaka*, *Pūraka*, *Kumbha*, the mantra to be recited is to be Vedic, except for the śūdras and women; (ten ślokas at the end of chap. VI); seventh chap. deals with Pratyāhāra; this last and three more are called *ābhyantara aṅgas* of Yoga. Dhāraṇas are of five sorts (chap. VIII): control of Prāṇa-vāyu; IX-deals with dhyāna; chap. X-deals with Samādhi (Samādhiḥ samatāvasthā); chap. XI (Gārgī says that she had forgotten the Yoga with eight aṅgas); chap. XII-Yāj. teaches her briefly Yoga again when she said that she had forgotten the elaborate treatment that Yāj. indulged in and then Yāj. teaches her briefly the essence of Yoga (chap. XII).

Some of the recommendations of the Yoga-yājñavalkya may be stated here; such as actions enjoined by Vedic injunctions should be performed by Yogins till death (XI).



7-10);<sup>472</sup> Gārgī stated at the end that she had forgotten Yājñavalkya's exposition of Yoga with its eight *āṅgas* as the means leading to *mokṣa* and that he should explain briefly the Yoga with eight *āṅgas*; Yājñā° agrees; XII brief description of a posture for control of Vāyu in which the right ankle is pressed against the anus (one among several items) and of practising this for two *ghatikās* for ten days one has certain experiences such as lightness of the body, hearing sounds and passing only a small quantity of urine and faeces &c.; then contemplation on *cakrīn* (serpent that is lodged in the Kuṇḍalinī); rousing of the Kuṇḍalinī; all (Upaniṣad passages) declare that one is to realize that *brahman* from which proceed all these beings &c.

The Yoga-Yājñavalkya is only a small work on Yoga, has little to do with Dharmaśāstra and it winds up its teachings by relying on Hāṭhayoga in chap. XII, which is put forward by the work itself as a summary of the teachings of the first eleven chapters.<sup>473</sup>

472 तस्मात्त्वमपि योगीन्द्र स्वाश्रमं धर्ममाचरन् । श्रद्धया विधिवत्सम्यग्ज्ञानकर्म समाचर ॥ इति मे कर्मसर्वस्वं योगरूपं च तत्त्वतः । उपदिश्य ततो ब्रह्मा योगनिष्ठोऽभवत्स्वयम् ॥ योगया. I. 39-40 (Divanji's edition). Some mss. read ज्ञानं कर्म समाचर or ज्ञात्वा कर्म समाचर.

473 In the Yogayājñavalkya we find here and there echoes of the Gītā; for example, compare Gītā 8.6 ('yam yam vāpi smaran' etc. with Yoga-yāj. X. 19-20 (yam yam samyak smarati etc.); Gītā 8.10 (bhruvor-madhye) with Yoga-yājñā° X. 16-17.

ज्ञानकर्मसमायोगात्परमाप्नोति पुरुषः । पृथग्भावे न सिध्येत उभे तस्मात्समाश्रयेत् ॥ ज्ञानं प्रधानं न तु कर्महीनं कर्म प्रधानं न तु बुद्धिहीनम् । तस्माद् द्वयोरेव भवेत् सिद्धिर्न ह्येकपक्षो विहगः प्रयाति ॥ परिज्ञानाद्भवेन्मुक्तिरेतदालस्यलक्षणम् । कायक्लेशभयाच्चैव कर्म नेच्छन्ति पण्डिताः ॥ बृहद्योगि. IX. 28, 29, 34.

All these are quoted in the Mokṣakāṇḍa of Kalpataru (p. 146) as from (योगियाज्ञवल्क्य); IX. 29 and 34 are quoted by Aparārka on Yāj. III. 205 with the Introductory remark मुक्तौ ज्ञानकर्मसमुच्चयं स्मृतिकाराश्चाहुः - यमैश्च नियमैश्चैव आसनैः प्राणसंयमैः । प्रत्याहारेण ध्यानेन धारणाभिः समाधिना ॥ बृहद्योगि. IX. 35; compare योगसूत्र II. 28 'यमनियमासनप्राणायामप्रत्याहारधारणाध्यान-समाधयोऽष्टावङ्गानि' ; the मैत्रायण्युपनिषद् (VI. 18) puts ध्यान before धारणा योगयाज्ञवल्क्यः

(Continued on the next page)



Mr. Divanji himself regards it as the earliest available work on Haṭhayoga for the common man (JBBRAS Vol. 29 for 1954 pp. 96-128 at p. 106 and in ABORI Vol. 34 for 1953 p. 23). The present author questions his assertions about its being the earliest.

Aparārka ( about 1125-50 A. D. ) mentions Yogayājñavalkya about 25 times and quotes at least 63 verses therefrom ( though the order of verses and some readings differ in a few cases ). Reasons of space prevent a detailed statement of all verses quoted from Yogayājñavalkya. By way of sample, only some groups of verses from Yoga-Yāj. are cited here ; ( a ) about 18 verses ( though not in consecutive order ) on pp. 134-35 are quoted by Aparārka from Br. Yoga. Yāj. , all except two from the 7th chapter ( verses 39, 162-171 and from IV, 28 and 30 ); five verses are quoted from Br Y. Y. VII. ( dropping 136 ) by Aparārka on p. 47 ; about five verses are quoted which are Br. Y. Y. IV. 4-6 ( in part ) and IV. 8-10 ; on p. 128 Aparārka quotes from Yoga-Yāj. four

( Continued from the previous page )

स्वकर्मणामनुष्ठानात् सम्यगात्मनि दर्शनात् । वेदान्तानां परिज्ञानाद् गृहस्थोपि विमुच्यते ॥ quoted by अपरार्क on p. 960 from Yoga-yājñavalkya on या. III. 57. This is बृहयोगिया. XI. 45. This is not cited in the योगयाज्ञ० edited by Mr. Divanji.

योगियाज्ञवल्कीयं ' शं न आपः ' इत्यादि ' अघमर्षणसूक्तेन ' इत्यन्तं मन्त्रैर्मार्जनं तु अप्रयतस्यैव कर्माङ्गमुख्यस्नानाशक्तौ द्रष्टव्यम् । असामर्थ्याच्छरीरस्य कालशक्त्याद्यपेक्षया । मन्त्रस्नानादितः सर्वं केचिदिच्छन्ति सूरयः ॥ इति, ' कालदोषादसामर्थ्यात् ' इति च योगियाज्ञवल्क्यवचनात् । ब्रह्मचारिकल्पतरु p. 168. ' असामर्थ्यात्० ' is बृहयोगिया० VII. 162 and ' कालदोषादसामर्थ्यात् ' is VII. 166 ( of the same ). None of these two is cited in योगया०.

ब्रह्मचर्यं दया क्षान्तिर्दानं सत्यमकल्कता ॥ अहिंसाऽस्तेयमाधुर्यं दमश्चेति यमाः स्मृताः ॥ स्नानं मौनोपवासेज्या स्वाध्यायोपस्थनिग्रहाः । नियमा गुरुशुश्रूषा शौचाक्रोधाप्रमादता ॥ याज्ञ. III. 312-313 ; अहिंसा सत्यमस्तेयं ब्रह्मचर्यं दयार्जवम् । क्षमा धृतिर्मिताहारः शौचं त्वेते यमा दश ॥ तपः सन्तोष आस्तिक्यं दानमीश्वरपूजनम् । सिद्धान्तश्रवणं चैव ह्रीर्मतिश्च जपो व्रतम् ॥ एते तु नियमाः प्रोक्तास्तांश्च सर्वान् पृथक्शृणु ॥ योगयाज्ञ. I. 50-51 and II. 1-2 ; compare अहिंसा-सत्य-अस्तेय-ब्रह्मचर्यापरिग्रहा यमाः । शौच-सन्तोष-तपः-स्वाध्यायेश्वरप्रणिधानानि नियमाः ॥ योगसूत्र II. 30 and 32.



verses and a half which are Br. Y. Y. VII. 2 (latter half)-5. Mr. Divanji does not show that these verses occur in the Yoga-Yājñavalkya that he edited.

The Dānasāgara of Ballālasena (B. edition) mentions Yājñavalkya and Yogyājñavalkya on p. 3 and it quotes about a dozen verses some of which are found in Yogi-Yājñavalkya,<sup>474</sup> chap. VII. (of Br. Y. Y.) viz abhāve (D. S. p. 63=Br. VII. 139); na kuryāt (D. S. p. 52=Br. VII. 37); na caṅkraman (D. S. p. 52=Br. VII. 131); na padā (D. S. p. 63=Br. VII. 132).

Yājñavalkya agrees very closely with the Viṣṇudharma-sūtra. What conclusions are to be drawn therefrom has been discussed above (see sec. 10). Similarly, there is close correspondence between the Kauṭīliya and Yāj. If there is any borrowing at all, it must follow from the date above assigned to the Kauṭīliya that it is Yāj. who borrows. There are numerous passages in Yāj. that show remarkable agreement with the text of Manu. But there are several points on which Yāj. differs from Manu and shows in general a more advanced state of thought and feeling than the Manusmṛti. The following are the principal points wherein Yāj. differs from Manu. Manu seems to allow a brāhmaṇa to marry a śūdra girl (III. 13), while Yāj. emphatically states it as his opinion that this is wrong (I. 56); Manu first describes the practice of *niyoga* and then severely condemns it (IX. 59-68), while Yāj. does not condemn it (I. 68-69). Manu enumerates eighteen *vyavahārapadas*; Yāj. does not expressly enumerate them in one place, though he defines *vyavahārapada* and adds verses of a miscellaneous character (*prakīrṇaka*) in his section on *vyavahāra*. Manu is silent about the rights of inheritance of

474 क्षत्रियस्य त्रयः प्रोक्ता द्वावेका वैश्यशूद्रयोः । क्षत्रियश्च चरेदेवमा संन्यासाश्रमा-  
त्सदा ॥ वानप्रस्थाश्रमादेव चरेद्वैश्यः समाहितः ॥ योगयाज्ञ. (ed. by  
Mr. Diwanji I. 30 and 35); vide J. G. J. R. I. vol. XV pp. 135-140  
for a paper of Prof. Bhabatosh Bhattacharya on 'Yogyājñavalkya-  
smṛti and its utilisation in medieval digests of Bengal and  
Mithilā'; 'त्रयः' refers to the first three *āśramas*.

तथा च बृद्धयाज्ञवल्क्यो धर्मप्रवक्तृनुक्त्वाह । भूयांसो धर्मवक्तार उत्पन्ना भवि-  
नस्तथा । निधानं सर्वधर्माणां वेद एव हि शाश्वतः ॥ इति । पुनश्चाह नारदः  
पुलहो गार्ग्यः पुलस्त्यः शौनकः क्रतुः । बौधायनो जातुकर्णो विश्वामित्रः  
पितामहः ॥ इति ।



the widow of a sonless man and gives only a vaguely expressed order of succession, while Yāj. places the widow at the head of all heirs and enumerates several classes of heirs in a regular order. Manu condemns gambling outright ( 9. 224-226 ), while Yāj. brought it under State control and made it a source of revenue to the king ( II. 200-203 ). There are several other matters which Yāj. treats at much greater length and more systematically than Manu, e. g. ordeals ( as indicated above ), means of proof in courts ( Manu altogether ignoring documentary evidence, though he knew documents as in 8. 51-52 ), rules of procedure in courts ( compare Manu 8. 53-56 with Yāj. II. 5-11 and 16-21 ), the doctrine of possession and prescription ( Yāj. II. 24-29 and Manu 9. 44 and 54 ). All these points tend to show that the Yājñavalkya-smṛti is much later than the extant Manusmṛti.

The Yājñavalkya-smṛti seems to have taken the section on Vināyakaśānti from the Mānavagr̥hya-sūtra ( II. 14 ); verses 281-283 of Yāj. ( I ) occur in the Mānavagr̥hya II. 14, but in a different order.<sup>475</sup> The Mānavagr̥hya takes the Vināyakas to be four, while Yāj. says that there is a single Vināyaka, whose appellations are Mita. &c.

The details of information about Vināyaka in Yāj. ( I. 272-276 ) appear to have been versified from the prose<sup>476</sup> of the M. Gr. S. The details of worship also and the *mantra* ( Yāj. I. 291 ) are taken from the same work ( *vide* M. Gr. S. II. 14. 30 for the *mantra* ). At one time the section on

475 अथातो विनायकान् व्याख्यास्यामः । शालकटङ्कटश्च कूष्माण्डराजपुत्रश्चोस्मितश्च ( पुत्रश्च मितश्च ? ) देवयजनश्चेति । मानवगृह्य II. 14. 1-2; विनायकः कर्मविघ्न-सिद्धयर्थं विनियोजितः । ...मितश्च संमितश्चैव तथा शालकटङ्कटौ । कूष्माण्डो राजपुत्रश्च जपेत् स्वाहासमन्वितान् । नामभिर्बलिमन्त्रैश्च नमस्कारसमन्वितैः ॥ याज्ञ. I. 271, 285-8, 281-82 ( Nir. ed. ). The Mit. seems to have read ' °कटङ्कटौ । कूष्माण्डो राजपुत्रश्च '.

476 एतैरधिगतानामिमानि रूपाणि भवन्ति । लोष्टं मृदनाति । तृणानि छिनत्ति । अङ्गेषु लेखान् लिखति । अपः स्वप्ने पश्यति । मुण्डान् पश्यति । जटिलान् पश्यति । काषायवाससः पश्यति । उष्ट्रान् सूकरान् गर्दभान् दिवाकीर्त्यादीनन्यांश्चाप्रयतान् स्वप्नान् पश्यति । अन्तरिक्षं क्रामति । अध्वानं व्रजन्मन्यते पृष्ठतो मे कश्चिन्न व्रजति । एतैः खलु विनायकैराविष्टा राजपुत्रा लक्षणवन्तो राज्यं न लभन्ते । कन्याः पातकामा लक्षणवत्यो भर्तृन् लभन्ते । ... कृषिकराणां कृषिरत्नं भवति । मानवगृह्य II. 14. 3-21 ( ed. by Knauer ),

Vināyakaśānti was thought to be a sure indication of the late date of Yāj. Smṛti. But since the discovery of the Mānavagr̥hya that position had to be given up. In the Baudhāyana-dharmasūtra ( II. 5. 21 ) we have Vināyaka and his several appellations ( in the *tarpaṇa* ). Aparārka on Yāj. I. 275 quotes a long passage from the Baijavāpa-gr̥hya which bears a very close correspondence in phraseology to the passage from the M. Gr. S. quoted above and which gives the names of the four Vināyakas as Mita, Sammita, Śalakaṭaṅkaṭa and Kūsmāṇḍarājaputra.

The Yājñavalkya-smṛti stands in a very intimate relation to the White Yajurveda and the literature that clusters round it. Most of the *mantras* quoted ( in part ) or referred to by Yāj. occur in the Ṛgveda as well as in the Vājasaneyā-saṁhitā ( e. g. in Yāj. I. 22, 24, 229, 230, 238, 239, 247 ). Yet there are a few *mantras* that do not occur in the Ṛgveda, but only in the Vājasaneyā-saṁhitā or other saṁhitās ( e. g. 'yavosi' in Yāj. I. 230, which is Vāj. S. 5. 26, 'ye samānā' in Yāj. I. 254 which is Vāj. S. 19.45, 'imam deva' and 'udbudhyasva' in Yāj. I. 300, which are Vāj. S. 9. 40 and 15. 54, 'annāt pariśrutah' and 'kāṇḍāt' in Yāj. I. 301 which are Vāj. S. 19.75 and 13.20 ). Several verses ( Yāj. III. 191-197 ) are a paraphrase of certain passages of the Brhadāranyaka Upaniṣad, so much so that the very words of the latter are used throughout in the former, as the quotations given below will show.<sup>477</sup> Then again Yāj. very closely agrees with the Pāraskaragr̥hyasūtra as was pointed out by Dr. Stenzler in his introduction to the edition of Yāj. ( 1849, Berlin ) and in the Journal of the German Oriental Society ( VII. 527 ). Viśvarūpa points out

477 स ह्याश्रमैर्विजिज्ञास्यः समस्तैरेवमेव तु । द्रष्टव्यस्त्वथ मन्तव्यः श्रोतव्यश्च द्विजातिभिः ॥ याज्ञ. III. 191; compare बृहदारण्यक II. 4. 5. and IV 5. 6 'आत्मा वा अरे द्रष्टव्यः श्रोतव्यः &c.'; य एनमेवं विन्दन्ति ये चारण्यकमाश्रिताः । उपासते द्विजाः सत्यं श्रद्धया परया युताः ॥ क्रमात्ते संभवन्त्यर्चिरहः शुक्लं तथोत्तरम् । अयनं देवलोकं च सवितारं सवैद्युतम् ॥ ततस्तान् पुरुषोभ्येत्य मानसो ब्रह्मलौकिकात् । &c. याज्ञ. III. 192-194; compare बृहदारण्यक VI. 2. 15 ते य एवमेतद्विदुर्ये चामी अरण्ये श्रद्धां सत्यमुपासते तेर्विरभिसंभवन्ति . . . तान् वैद्युतान्पुरुषो मानस एत्य ब्रह्मलोकान् गमयति.' The next three verses of Yāj. summarise बृहदारण्यक VI. 2. 15 using the words of the latter 'कीटाः पतङ्गा यदिदं इन्द्रशूकम्'. The Upaniṣad reads ( V. 10. 2 ) as पुरुषोऽ मानवः . Vide also Rg. 1-12 and Yāj. Smṛti III. 193-197.





that<sup>478</sup> Yāj. I. 142-143 are based upon Pāraskara. The *mantra* 'ayam me vajraḥ' in Yāj. I. 135 (Trivandrum ed.) is given in Pāraskara-gr̥hya II.7.7. In the following also there is close verbal correspondence<sup>479</sup> between Yāj. and the P. Gr. S.; Yāj. III. 1-2 and P. Gr. S. III. 10. I, 5, 8-9 and 12; Yāj. III. 3 and P. Gr. S. III. 10. 16 and 19-20; Yāj. III. 4 and P. Gr. S. III. 10. 46-47; Yāj. III. 16 and P. Gr. S. III. 10. 26-27. Similarly, the verses of Yāj. on Śrāddha (I. 217-270) offer many points of contact with the Śrāddha-kalpa of Kātyāyana edited by Dr. Caland (pp. 127-130 of his work 'Ahnencult &c.' From these facts Dr. Jolly concludes that Yājñavalkya's work goes back to a dharmasūtra of the White Yajurveda (R. u. S. p. 21). In another place Dr. Jolly hazards another conjecture based on the close correspondence between Yāj. and the Viṣṇudharmasūtra that he probably belonged to the Kāthaka school of the Black Yajurveda (Journal of Indian History, 1924, p. 7). Yāj. also shows great similarity to the Kauṭīliya and borrows the Vināyaka-sānti from the Mānavagr̥hyasūtra. From these facts one may argue at least with as much logic and force as underlies Dr. Jolly's guess-work that Yāj. probably belonged to the Mānava school of the Black Yajurveda or to the school of Kauṭīliya. If Yāj. knew his business as a writer on Dharmaśāstra, he must have consulted the works of his predecessors and his work is bound to show traces of that fact. One may conclude at the most that the author of the Yājñavalkyasmṛti may have possibly been a student of the White Yajurveda and so the *mantras* of the White Yajurveda and the Gr̥hyasūtra of Pāraskara were far more familiar to him than the other Vedas, sūtras, smṛtis, and other works. No such conclusions that there was a dharmasūtra of the White Yajurveda and that the Yājñavalkyasmṛti was based thereon are warranted by the facts so far discovered.

478 पौषमासस्य रोहिण्यामष्टकायामथापि वा । जलान्ते छन्दसां कुर्यादुत्सर्गं विधिवद् द्विजः ॥ याज्ञ. I. 142; compare पारस्कर II. 12. 1-2 (Venkatesvara press ed.) 'पौषस्य रोहिण्यां मध्यमायां वाष्टकायामध्यायानुत्सर्जेन । उदकान्तं गत्वा &c.'

479 सप्तमाद् दशमाद्वापि ज्ञातयोभ्युपयन्त्यपः । अप नः शोशुचदघमनेन पिबन् दिङ्मुखाः ॥ याज्ञ. III. 3; 'सर्वे ज्ञातयोपोभ्यवयन्त्यासप्तमात्पुरुषादशमासम् । ... सव्यस्यानामिकयापनोद्याप नः शोशुचदघमिति दक्षिणामुखा निमज्जन्ति पारस्कर III. 10. 16 and 19-20.



For settling the date of Yāj. we need not consider the evidence after the 9th century A.D. For, in the first quarter of that century (as we shall see later on) Viśvarūpa wrote his extensive commentary on Yāj. That he was separated from Yāj. by many centuries follows from several considerations. Not only had numerous various readings arisen in the text of Yāj. when he wrote, but various interpretations of the same words and verses of Yāj. had arisen. For example, he gives several meanings of the words 'putronanyāśritadravyaḥ' (in Yāj. II. 47), of 'sāmudrāḥ' (II. 41); he gives different interpretations of I. 265, II. 160, II. 173 &c. He refers to the interpretations of his predecessors in several places by the word 'anye' (I. 3, 25, 155, 169; II. 21, 119, 121; III. 201, 209, 246 &c.). In several places he appears to be referring to two other interpretations than his own (vide on III. 250, the words 'kecittu' and 'anye tu' and the same words on III. 261 and 264). That Viśvarūpa had before him actual commentaries on Yāj. and was not merely giving scholastic interpretations started by himself is made very clear in several cases by his actually citing certain portions from those works. On I. 252 Viśvarūpa says 'others take from somewhere the following śloka (then the śloka is quoted), but this śloka is of no help, as its origin is not known'.<sup>480</sup> Similar words occur in the comment on Yāj. III. 222. On II. 193 he styles some predecessor as 'paṇḍitammanya' and on III. 257 he ridicules a predecessor who regards the verse of Manu IV. 222 as an arthavāda by saying that that commentator wanted to show off that he knew the technical term *arthavāda*.<sup>481</sup> It is not unlikely that Viśvarūpa in this last passage refers to some ancient commentator of Manu such as Asahāya. In the *Prāyaścittamayūkha*,<sup>482</sup> Nīlakaṇṭha (Benares edition of 1879)

480 अन्ये तु कुतश्चिदागमय्येमं श्लोकं पठन्ति—'यः सपिण्डीकृतं प्रेतं पृथक्पिण्डेन योजयेत् । विधिघ्नस्तेन भवति पितृहा चोपजायते ॥ इति । अयं त्वस्पष्टमूलत्वाद-किञ्चित्करः । विश्वरूप on या. I. 252.

481 अन्ये तु कुतश्चिदागमय्येमं श्लोकं पठन्ति—रागाद् द्वेषात् प्रमादाद्वा स्वतः परत एव वा । यो हन्याद् ब्राह्मणं कश्चित् स सर्वो ब्रह्महा भवेत् ॥ इति । तत्त्वविज्ञात-मूलत्वाद विचार्यम् । विश्वरूप on या. III. 222.

482 अन्ये तु भुक्त्वातोऽन्यतमस्याज्ञमित्येवमादीन्यर्थवादत्वेन व्याचक्षते । किञ्चिदर्थवादसारूप्यमस्य स्यात् । अतोर्थवादो नाम वाक्यप्रकारोऽस्ति ।

(Continued on the next page)



says that Śaṅkara in his Bhāṣya on Brahmasūtra ( III. 4.43 ) explained the application of Yāj. III. 226. Unfortunately in the printed editions of Śaṅkara I could not find this. But from the Bhāmatī where Yāj. III. 226 is explained, it is clear that the passage must have occurred in the text of Śaṅkara used by the Bhāmatī. Dr. Jolly lays great emphasis in assigning a late date to Yāj. on the fact that Kumārila, who cites Manu, Gautama, Āpastamba, Baudhāyana frequently, ignores the Yājñavalkya-smṛti altogether. But this silence of the great mimāṃsaka can only mean that he did not assign the same pre-eminent and venerable position to Yāj. that he assigned to Manu, Gautama and others. Dr. Jolly himself is prepared to place Yāj. three or four centuries earlier than Kumārila. It will be shown hereafter that Nārada and Brhaspati cannot be placed later than 500 A. D. and may have flourished two or three centuries earlier still. On a comparison of their doctrines with those of Yāj. it will have to be conceded that they represent a far greater advance in juristic principles and exactitude than Yāj. So the latter cannot be placed later than the 3rd century A. D. As Yāj. is shown above to have followed the Manusmṛti and the Kauṭīliya his smṛti cannot be placed earlier than the first century B. C. We shall not be therefore far from the truth if we place his smṛti somewhere between the first century B. C. and the third century of the Christian era. In the Laṅkāvatārasūtra ( ed. by B. Nanjio, 1923, Kyoto ) gāthas 814-816 are 'Kātyāyanaḥ sūtrakartā Yājñavalkastathaiva ca...Valmīko Masurākṣaśca Kauṭīliya Āśvalāyanaḥ ....' From the context it appears that the author of the smṛti is referred to as Yājñavalka.

Dr. Jolly ( R. u. S. p. 21 ) following Dr. Jacobi ( Z D M G 30, p. 306 ) thinks that Yāj. shows an acquaintance with Greek astrology. Dr. Jacobi's position amounts to this that the naming of the week days after the planets was established among the Greeks towards the end of the 2nd century A. D. and as the names of the week days and the arrangement of the planets in correspondence with them was borrowed by the

( Continued from the previous page )

जानामीत्येतावानेवाभिप्रायः । इत्युपेक्षणीयम् । विश्व० on याज्ञ. III. 257.  
 श्रीशङ्कराचार्यास्तु कामतोव्यवहार्यस्तु इत्यकारप्रश्लेषेणदं याज्ञवल्क्यवचो बहिस्तु  
 यथापि स्मृतेराचाराच्चेति सूत्रे कृतप्रायश्चित्तनैष्ठिकब्रह्मचर्यादिपरम् ॥  
 बहिस्तु...चाराच्च - is वेदान्तसूत्र III. 4. 43.



Indians from the Greeks, no Indian work which enumerates the week days or arranges the planets in the well-known sequence ( of Sun, Moon, Mars &c. ) could have been composed before the third century after Christ. As is very often the case with Western Sanskrit scholars in matters of Indian chronology, this grand generalization is based upon very slender data. The premises are mere assumptions without hardly any evidence worth the name to support them. No one knows exactly when the week-days were named and who were the people that first employed the current names of the week-days. It is well-known that as far back as the days of Herodotus the Egyptians had a presiding deity for each day and that in the times of Julius Cæsar there were days of Saturn ( *vide* I. A. vol. 14, p. I, General Cunningham's article for the Indian origin of week-days ). At least from the third century B. C., as vouched for by the 13th edict of Aśoka, India was in close touch with Syria and Egypt, where Buddhist missionaries had been sent by Aśoka while Antiochus and Ptolemy ruled in the two countries respectively. Therefore, if Indians at all borrowed the week-days and the arrangement of planets from foreigners, there is nothing to prevent us from holding that they might have borrowed them from the Egyptians.

The present author has dealt at some length with the question of the origin of week days and their names in pp. 676-685 of Vol. V part I of the History of Dharmaśāstra. It is impossible to hold that such a brilliant planet as Venus whose rising precedes the dawn and setting follows the evening was not noticed by the ancient Indians. It is very likely that Vena praised in R̥g. X.123.1,2 and 5 is the morning star and in X. 123.5 Uṣas the youthful (yoṣā) Apsaras that greets with a smile in the highest heaven her lover i.e. the morning star that is a little high up in the sky when Uṣas smiles on the horizon. In a difficult verse (R̥g. I.139.10) both Brhaspati and Vena are mentioned. Several Western scholars hold that Vena is Soma or Sūrya according to the context. But this explanation would not suit R̥g. X. 123. 1 and 5 at all. In R̥g. X. 123.1 we have the words 'Ayam venaś codayat...imam-apām saṅgame sūryasya' and it is clear that 'imam' refers to Vena (in the first half) and 'sūryasya' is separately mentioned from 'imam' (i. e. Venam). The earliest dated Indian record (so far known) wherein a week-day is mentioned is



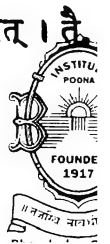
the Eraṇ Inscription of 484 A. D. ( Gupta Inscriptions p. 89 ) where we have " Suraguror divase. " It is to be noticed that Yāj. does not mention the week-days. In I. 296 he mentions the nine *grahas* in order as the Sun, the Moon, Mars ( the son of the earth ), Mercury ( the son of Soma ), Jupiter, Venus, Saturn, Rāhu, Ketu. No one can gainsay that at least the Sun, the Moon, Br̥haspati and Venus were known to the Ṛgvedic India. Br̥haspati in the highest heaven is spoken of in the Ṛgveda<sup>483</sup> and the conjunction of Jupiter and Tisya ( constellation of Puṣya ) is spoken of in the Tai. Brāhmaṇa. We know so very little of the ancient astronomical science in ancient India that one must think twice before dogmatising. Yāj. nowhere mentions the zodiacal signs (*rāsis*) and probably did not know them. Not only so, in his day the *nakṣatras* were still arranged from Kṛttikā to Bharanī as was the case in the Tai. S. IV. 4.10. Vide Yāj. I. 268 ( Kṛttikādi Bharanyantam ). We know from Varāhamihira that in the 5th century A. D. the signs of the zodiac and the arrangement of *Nakṣatras* from Aśvinī to Revatī were established facts in all parts of India. Therefore, Yāj. who uses the ancient arrangement of *Nakṣatras* cannot be placed so late as the 4th century A. D. When Yāj. ( I. 80 ) speaks of " susthe Indau " we should not, following such commentaries as the Mit., connect the words with the signs of the zodiac or the houses of the horoscope. Viśvarūpa does not speak of *rāsis* in this connection, but of *Nakṣatras* only. From very ancient times certain *Nakṣatras* had come to be regarded as auspicious or suitable for particular acts. The Tai. Br.<sup>484</sup> directs that one should not finish a thing or begin to sacrifice on a *nakṣatra* with an evil name. The same Brāhmaṇa says that ploughing was to be begun on the Maitra asterism ( Anurādhā ) and consecration of fire on the Āditya *nakṣatra*. Even the Ṛgveda speaks of auspicious days<sup>485</sup> and the Tai. Br. speaks of Deva-*nakṣatras* and *Punyāhas*, and says

483 बृहस्पतिः प्रथमं जायमानो महो ज्योतिषः परमे व्योमन् । ऋग्वेद IV. 50. 4 ;  
बृहस्पतिः प्रथमं जायमानस्तिष्यं नक्षत्रमभिसंबभूव । तै. ब्रा. 3. 1. 1. 5.

484 तस्मादश्लीलनामश्चित्रे नावस्येन्न यजेत यथा पापाहे कुरुते तादृगेव तत् । तै.  
ब्रा. 1. 5. 2. 6.

मैत्रेण कृषन्ते...आदित्येन आदधते । तै. ब्रा. 1. 8. 4. 2.

485 स्तोतारं विप्रः सुदिनत्वे अह्नाम् । ऋग्वेद VII. 88. 4.



that a daughter should be given away in marriage on the Svāti nakṣatra if she was desired to be her husband's favourite <sup>486</sup> Vide Baudhāyana Gr̥hya ( I. 1 ) for the marriage nakṣatras ; also Āp. Gr. S. II. 15. 12-14, Gobhila Gr̥hya 4.4. 28 and 2. 1.1.

There is nothing to show that Yāj. knew *rāśis* ( zodiacal signs ). He refers ( I. 80 ) to the Maghā and Mūla nakṣatras as forbidden for sexual intercourse between husband and wife. The presiding deity of both Maghā and Mūla was *pitarah* ( deceased ancestors ); vide H. of Dh. Vol. V part 1 pp. 502-3 for both. Therefore, they are both inauspicious. Similarly, some of the *tithis* viz. Amāvāsyā, 8th and 14th tithis and Full Moon day were prohibited by Manu ( IV. 128 ) for sexual intercourse between husband and wife. Hence times for many actions in early works were of three sorts viz. forbidden, recommended, or neutral ( i. e. neither forbidden nor recommended ). When Yāj. speaks ( in I.80 ) of the moon being auspiciously placed, or when he speaks of a planet being badly placed ( *duḥstha* ) in I.307, it is improper to jump to the conclusion that he refers to *rāśis*, but he might have in mind nakṣatras ( like Mūla and Maghā ) or *tithis* ( like Amāvāsyā or 8th ). The same remark applies to the words ' Vyatīpāta and ' Gajacchāyā ' that occur in Yāj. I.217. Both are times for *śrāddha* and variously defined ( not necessarily depending on *rāśis* ). Vide H. of Dh. vol. V. pp. 419 and 705 for ' Vyatīpāta ' and Vol. IV p. 371 n for Gajacchāyā and Vyatīpāta both.

In III. 171 and 172 Yāj. speaks of only the conjunction of planets and of the passage ( of them ) through *tārās* and *nakṣatras*. The Baud. Dh. S. II. 5.23 speaks of the nine *grahas* in the same order as that of Yāj. Therefore, there is hardly any evidence to show that Yāj. knew more astrology than was current in the days of the Brāhmaṇas and the Gr̥hyasūtras. Yāj. ( in II. 240-241 ) speaks of the fine to be imposed on those who counterfeited " nāṇakas " ( coins ) and on those examiners of " nāṇakas " who falsely declared a good coin to be counterfeited and *vice versa*. Mr. Jayaswal ( Calcutta Weekly Notes, vol. 17, p. CLIX ) says that nāṇaka is the

486 यान्येव देवनक्षत्राणि तेषु कुर्वीत यत्कारी स्यात् पुण्याह एव कुरुते  
I. 5. 2. 9 ; यां कामयेत दुहितरं प्रिया स्यादिति तां निश्चयायां दध्यात्  
I. 5. 2. 3.





gold coin of the Kushans bearing the picture of the Goddess Nanaia and that the Kushans did not rise to importance before 78 A. D. This would place Yāj. after 100 A. D. But it must be remembered that this connection between the Goddess Nanaia and the word "nāṇaka" is quite conjectural and that the chronology of the Kushans is far from being settled.

Yāj. speaks of the sight of yellow-robed people as an evil omen (I.273), which is probably a reference to the Buddhists; though it has to be remembered that he prescribes old yellow (kāṣāya) robes for his seeker after *mokṣa* (III. 157). He speaks of the founding of monasteries of Brāhmaṇas learned in the Vedas (II.185). The philosophical doctrines contained in the third section (verses 64-205) approach that phase of the Vedānta that was taught by Śaṅkarācārya. *Vide* particularly III. 67, 69, 109, 119, 125, 140. He employs in elucidating the philosophy of *Ātman* the well-known examples of ghaṭākāśa and of the reflection of the Sun in water (III. 144), of the various ornaments made from gold, of the spider spinning webs out of his own body (both in III.147), of the actor representing various parts (III. 162). All these illustrations frequently occur in Śaṅkara's Śārīrakabhāṣya (e. g. ghaṭākāśa on Vedānta-sūtra II. I. 14, spider on II. I.25). All these points, however, are of very little use in arriving at a definite age for the smṛti of Yāj. The foregoing discussion has established that Dr. Jolly's date (viz. 4th century A. D. in R. u. S., p. 21) is much later than the data warrant. There is nothing to prevent us from holding that the extant smṛti was composed during the first two centuries of the Christian era or even a little earlier.

Prof. K. P. Jayaswal in his Tagore Law Lectures on 'Manu and Yājñavalkya' has given forceful expression to some novel views. A separate treatise would have to be written for exposing the hollowness of some of his assertions. But one question concerns the text itself and cannot be altogether ignored here. On pp. 56 ff he asserts that verses 67-203 of the third *adhyāya* of Yāj. are interpolations. The main reasons for this opinion are that these verses contain matters of anatomy and Yoga. This is a very bad example of foisting one's own modern ideas about relevancy on writers who flourished about two thousand years ago. The Nārada-smṛti has a long disquisition on impotency (vide SBE, vol. 33





pp. 166-168, XII. 9-14 ). Manusmṛti contains a good deal of matter on Yoga e. g. vide Manu VI. 70-73; Yāj. III. 67 imitates Muṇḍakopaniṣad II. 1.1 (in thought and words), Yāj. III. 71 contains ideas common to Manu III. 76 and Śānti-parva 264.11; Yāj. III. 185 follows Gaut. Dh. S. VIII. 23; Yāj. III. 186 follows Āp. Dh. II. 9. 23.3; Yāj. III. 193-94 have in view Chāndogyopā° V. 10.1; Yāj. III. 195-197 follow Chān. Up. V. 10.3-5 and Br. Up. VI. 2.16; Yāj. III. 200 repeats the very words of Gītā VI. 11 and XII. 4 in part.

Besides the Yājñavalkyasmṛti we have to reckon with three other works connected with the name of Yājñavalkya, viz. Vṛddha Yāj., Yoga-Yāj., and Brhad-Yāj. All these three works are comparatively ancient. Viśvarūpa quotes (vide note 219 above) two verses of Vṛddha-Yājñavalkya saying that many writers on dharma have been born and will be born and enumerating ten such writers.

The Mit. on Yāj. III. 1-2, 6, 19 quotes six verses of Vṛddha-Yāj and Aparārka quotes about eleven. The verse of Vṛddha-Yāj. quoted as 'cāṇḍāla...Pārasikādikam' in the note is quoted again by Aparārka differently on p. 1196.

One quotation cited from Vṛddha-Yāj. by Mādhava refers to the means of proof in case of doubt whether there was a partition.<sup>487</sup> So Vṛddha-Yāj. wrote also on Vyavahāra. Most of the quotations occur in the prāyaścitta section. It is interesting to note that one of these quotations in Aparārka<sup>488</sup> regards the touch of Pārasikas as on the same level with that of Cāṇḍālas, Mlecchas and Bhīllas. The Dāyabhāga<sup>489</sup> says that Jitendriya cited the words of Brhad-Yājñavalkya (viz. "sodaro nānyamātrjah"). The Mit. cites Brhad-Yājñavalkya on prāyaścitta. So this also is a work that must be held to be earlier than 1000 A. D. Yāj. himself is styled

487 विभागधर्मसन्देहे बन्धुसाक्ष्यभिलेखितैः । विभागभावना कार्या न भवेद् दैविकी क्रिया ॥ पराशरमाधवीय III, part 2, p. 571; compare याज्ञ. II. 149.

488 चण्डालपुङ्गवसंस्पर्शभिल्लपारसिकादिकम् । महापातकिनश्चैव स्पृष्ट्वा स्नायात्सचैलकम् ॥ on याज्ञ. III. 29-30.

489 संसृष्टपदमेव वा सोदरमभिधत्ते । अत एव बृहद्याज्ञवल्क्यवचनं सोदरो नास्ति ॥ इति जितेन्द्रियेण लिखितम् । दायभाग p. 298 (ed. of 1829).



Yogīśvara by the Mit. and other works, but Yoga-Yājñavalkya is a different work from the Yāj. Smṛti. Yāj. (in III. 110) claims the Yogasāstra to be his own work.

The Garuḍapurāṇa in chapters 93-106 contains about 376 verses, most of them borrowed from the Yāj. Smṛti and adds a few verses of its own. It does not follow the order of verses in the Smṛti. The Mit. on Yāj. III. 253 quotes a verse of Brhad-Yājñavalkya stating that a Kṣatriya or Vaiśya even knowingly drinking *madya* does not become blamable, (but he incurs sin if he drinks liquor prepared from flour). The Mit. on Yāj. III. 253 quotes a verse of Brhad-Viṣṇu setting out ten kinds of *madya*, all forbidden to Brāhmaṇas only but not to others.

Long after the first volume of the H. of Dh. was published two works have been brought out, one called Brhad-yogi-Yājñavalkya edited and published in 1951 by Swami Kuvalayananda of the Kaivalyadhāma at Lonavla and Pandit Raghunath Shastri Kokje and the other by Mr. P. C. Divanji published at first in J. B. B. R. A. S. Vol. 28 (pp. 98-158 and pp. 215-268) and vol. 29 pp. 96-128 and later available in book form (in 1954). Mr. Divanji in J. B. B. R. A. S. vol. 29 pp. 96-128 deals with his mss., his method of collation, the work and its date, index of verses and glossary of words. In A. B. O. R. I. Vol. 34 pp. 1-29 Mr. Divanji tries to establish that the work he published is the Yogasāstra said to have been composed by the author of Yāj. Smṛti (III. 110) before the smṛti. The Lonavla editors replied in ABORI. Vol. 37 pp. 279-289 and in their Journal called Yogamīmāṃsā Vol. VII. No. 2 (also issued as a pamphlet in 1958). The present author cannot enter into lengthy criticism of what Mr. Divanji says, who does not keep an open mind as befits a scholar who is in search of truth. The Trivandrum Sanskrit Series also published (in 1938) the Yoga-Yājñavalkya (based on a single Ms.) which generally agrees with the work edited by Mr. Divanji. The present author has to bring to the notice of scholars and readers the fact that the Yogayājñavalkya was published in the Trivandrum Series (No. CXXXIV) so far back as 1938. The present author examined the question whether any one of these two works can be the Yogasāstra which the Yāj. Smṛti (III. 110) says was composed by the sage Yājñavalkya, a. of the Yāj. Smṛti, in H. of Dh. Vol. V.

part 2, pp. 1404–1408. Those interested may read that discussion. The findings there are that none of the two works could have been the composition of the author of the Yāj. Smṛti.

As both works are interesting (particularly the one published at Lonavla) the present author will say a few words on each.

The Brhad-Yogiyājñavalkya is a large work in twelve chapters and has about 930 verses. It begins just as the Yāj. Smṛti does (sages ask Yogīśvara who was in Mithilā, questions). The twelve chapters deal with the following topics. I (verses 44); the essence of all Vedas, Smṛtis and 14 vidyās; knowledge of *Ātman*; five matters to be remembered at the time of performing *japa* of Mantras viz. the sage, the metre, the deity addressed, the application of mantras and (fifthly) the explanation, origin, purpose and praise (i. e. the Brāhmaṇa of it); II (verses 158) about Omkāra (*praṇava*), it being a mantra by itself, eight different views about the mātṛās of it (Yājñavalkya's view being that it is 'amātra'); III (verses 32) On the Vyāhṛtis (either 3, 4, 5 or 7); IV (verses 82) on Gāyatrī, its sage, metre, deity and its employment; V. (12½ verses) on Nyāsa of Om, Vyāhṛtis, Gāyatrī on the different parts of one's body; VI (verses 31) on *Sandhyopāsana* (morning and evening worship); VII (196 verses) on bath, *tarpaṇa*, *sandhyā* worship and *japa* (muttering of mantras); VIII (56 verses) on Prāṇāyāma and Pratyāhāra; IX (verses 198, the longest chap. in the work) on Dhyāna; definition of Dhyāna; (dhyāna being placed before dhāraṇā); X (verses 20½) on Sūryopasthāna (worship of the Sun with mantras and Gāyatrījapa); XI (56 verses) practice of Yogadharma; XII (verses 49)—All Śāstras originated from Veda, 14 vidyās means of knowing the proper dharma, greatness of Manu &c.

This work in its extensive remarks on Mantras, Gāyatrī, Sandhyopāsana, bath, tarpaṇa, prāṇāyāma deals with Dharmaśāstra matters and combines with them the higher Yoga viz. pratyāhāra, dhyāna and dhāraṇā (as in VIII. 29, 30, 32 which are the same as Manu VI. 70–72). It quotes dozens of verses from the Manusmṛti. It also contains many verses of the Bhagavadgītā and several passages of the Upaniṣads (all this will be shown in the table below. Therefore, the Brhad-Yogi-Yājñavalkya-Smṛti is Dharmaśāstra and Yoga in one.





IX. 187 (first half) = G. 6. 11 (latter half); B. IX. 197-98 (latter half and first half) = G. 12.12; B. XI. 2-3 = G. 2. 40 and 46; B. XI. 46 = G. 18.46; B. XII. 14 (first half) = G. 16. 8.

The Brhad-yogiyājñavalkya absorbs without acknowledgement Vedic, particularly Upaniṣad passages. For example, it cites (XI. 7) Ṛg. I. 164. 39 (Ṛco akṣare....samāsate). In IX. 158 it names the Chāndogya, Brhadāraṇyaka and Taittiriya Upaniṣads by name. A few examples may be cited. B. II. 37-38 are Kāṭha Up. (2. 15-16), B. II. 42 is Chān. Up. II. 23. 3; B. II. 47 (dve brahmaṇī &c.) is Maitrī Up. VI. 22; B. II. 53-55 are respectively Tai. Up. II. 4 (Yato vāco &c); Muṇḍaka II.2.4 (Prajāvo dhanuḥ) and Śvetāśva° 7.14 (Svadehamaraṇim); B. II.60 is Kāṭha Up. II.17; B. IX. 59 is Īsopaniṣad 15 (Hiraṇmayena &c); B. IX. 101 is Muṇḍaka I.2.11 (slightly modified); B. IX.148 is Chān. Up. V. 24. 5 (slightly modified); B. IX. 184-186 (latter half of 184 and first half of 186) are Kāṭha Up. 3.10-11; B. IX. 193-94 are a part adaptation in verse of Br. Up. II.2.19.

The Brhad-yogiyājñavalkya contains about 930 verses, the Yogayājñavalkya published by Mr. Divanji contains 496 verses and the Trivandrum edition of Yogayājñavalkya contains about 465 verses. Therefore, the Yogayājñavalkya is in extent about half of the text of the Brhad-yogi-yājñavalkya. The references here are made to Mr. Divanji's edition of Yogayājñavalkya (and not to the T. S. S. edition). The Yogayājñavalkya professes that in an assembly of sages (15 are named in XI.13-14 including Vasiṣṭha and Viśvāmitra) both Maitreyī and Gārgī were present and the latter (Gārgī) fell at the feet of the sage and implored him to expound to her the principles of Yoga (I.8). The great sage promises to tell her the essence of Yoga with its *āṅgas*, which was declared to him by Brahmā himself (I.10-15). He dilates on two pāths, one stimulating (*pravartaka*) a person to do acts laid down for varṇas and āśramas and the other called *nivartaka* (which prevents rebirth); he dilates on the four āśramas for Brāhmaṇa, three for Kṣatriya, two for Vaiśyas and one for Śūdras and Brahmā directed Yājñavalkya to follow the paths of Jñāna and Karma (I. 39-40). The text (I. 43) tells us that Gārgī was his wife (*bhāryayā tvevamuktastu Yājñavalkyas-taponidhiḥ*). In IV. 5 also Gārgī is called Yājñavalkya's wife, in IV. 40 she is addressed by Yājñavalkya as 'priye' and Varārohe (VI. 79, VII. 22 and 34). The

instruction imparted by Brahmā ends with the words in I. 39-40 as quoted below. *Jñāna* consists of Yoga, which has eight *aṅgas* and Yoga means the union of the Individual soul with the Supreme Soul (I. 44). The principal topics are: the eight *aṅgas*, Yama &c.; ten Yamas (I. 50-51) and verses 1-19 their definitions; II (chapter) - ten *niyamas* and their definitions; III the eight recommended *āsanas* (physical postures); IV. on *Nāḍī-śuddhi*; on *Suṣumṇā*, the best *nāḍī* (IV. 28); names of the 14 chief *nāḍīs* (IV. 26-28); ten *vāyus* that circulate in the *nāḍīs*, the five chief being *Prāṇa*, *Apāna*, *Samāna*, *Udāna* and *Vyāna* (IV. 47-48) and their spheres; V. on means of *Nāḍī-śuddhi* and appropriate place and actions for securing it; Tantras are specially mentioned in V. 10; signs of having secured *Nāḍī-śuddhi*; VI. (longest chapter of the work) on *Prāṇāyāma*; three aspects of *prāṇāyāma* viz. *recaka*, *pūraka* and *kumbhaka* (VI. 2); explanations of these, results of practising these, such as removing diseases; VII. definition of *pratyāhāra* (1-2); VIII. on *Dhāraṇā*; definition of *Dhāraṇā*, verbal close resemblances between the contents of the *Yogayājñavalkya* and the *Hatḥayoga-pradīpikā*. The proper name of this last work is *Hatḥapradīpikā* (vide H. of Dh. Vol. V. p. 1427, n. 2344). This is a late work and mentions 35 *siddhas* such as *Matsyendranātha*, *Gorakṣanātha*, *Gahinīnātha*, *Nivṛttinātha*, and *Jñānadeva*, who wrote his famous commentary on the *Gītā* in 1290 A. D. and mentioned these as in the line of *gurus* before him. Vide H. of Dh. Vol. V. p. 1429.

There are great defects in the arguments of Mr. Divanji in favour of the work sponsored by him being the *Yogaśāstra* referred to by *Yājñavalkya* (in *Yāj. Smṛti* III. 110) as composed by him before the *Smṛti* itself. Both works (the *Brṛhadyogiyājñavalkya Smṛti* and the *Yogayājñavalkya*) claim that they contain what *Yāj.*, a famous and very ancient sage, contemporary of ancient king Janaka (in the case of the *Br. Yogi-Yājñavalkya* and also the recipient of *Yajus* from the Sun) and an ancient sage *Yājñavalkya* whose wife was *Gārgī* and who received the Yogic knowledge from God *Brahmā* himself (in the case of the *Yoga-Yājñavalkya*). In these days hardly any critical reader would admit these claims of both works. But the case of the author of the *Yoga-Yājñavalkya* is much worse. This latter would be further charged either with being ignorant of ancient History





and legends or with ignoring the Upaniṣad story and foisting a totally new one on Yājñavalkya. In the Br. Upaniṣad (II.4-5) it is said that Yāj. had two wives Maitreyī and Kātyāyanī, the former wanted no wealth but was eager only to learn the means for securing immortality and then Yāj. expounded to her Brahma-vidyā. In Br. Up. III-1 it is said that Janaka offered to donate a thousand cows to that one among the persons assembled who was the best knower of *brahman*. Yāj. asked his pupil Sāmaśravas to take away the cows. Then Aśvala, Janaka's hotṛ priest, and others viz. Ārtabhāga, Bhujyu, Uśasta, Kahola asked him questions, which Yāj. answered and silenced them. Then Gārgī Vācakanavi asked him (in Br. Up. III.6) several questions one after another and lastly asked 'kasmin nu Brahmalo-ka otāśca protāśca'. Yāj. said to her 'do not carry your question- ing to the utmost limit, otherwise your head would fall down' (i. e. you will meet death). She remained silent. In the Yoga- yājñavalkya (ed. by Divanji) she is put forward as Yājña- valkya's wife, a pure invention by the author of that work for the sake of palming it off as a very authoritative work.

Mr. Divanji on p. 25 of his paper in ABORI Vol. 34 on the two works (having Yājñavalkya as part of their names) tries to make light of this circumstance by saying that a rose would smell as sweet even if called by some other name. This is trying to dodge the real issue, which is whether the work edited by him is that of the Yājñavalkya of the Br. Up. or is the work of the author of the Yāj. Smṛti. The present author would have no quarrel with him if he admits that it is not a work of the ancient sage Yājñavalkya but of some one who suppresses his real name and the present author would admit that the work he edited is on Haṭhayoga (but not by the author of Yāj. Smṛti). On p. 29 he writes 'the author had not forgotten the fact...but had meant to speak about another Yājñavalkya' in I.6). One fails to understand what he means. The word Vadhūḥ being in the singular would go with the nearest word Maitreyī and not with both Maitreyī and Gārgī. The work, being a small one, deals only with Haṭhayoga, it does not dilate upon the daily religious rites to be performed, but harps constantly on the point that actions prescribed by Śāstric texts must be performed even by an adept for Haṭhayoga (vide VI.79 'nityam karma soma- caret,' XI. 7 'Vidhyuktam karma kartavyam brahmavidbhiḥ').





nityaśaḥ) and the author says that Gārgī was advised by Yājñavalkya (in XI.9) 'tasmād-ā maraṇād-vaidham kartavyam yogibhiḥ sadā | tvam caiva mātīyā Gārgī vaidham karma samācara ||'.

As regards the Brhadyogi-Yājñavalkya matters stand as follows. Vācaspatimiśra in his commentary on the Yogabhāṣya quotes a half verse from the Yogiyājñavalkya-Smṛti viz. 'Hiraṇyagarbho yogasya vaktā nānyaḥ purāṇaḥ', which occurs in the Brhad-Yogi° (in Lonavala edition) as XII.5, and not in Yogayājñavalkya (ed. by Mr. Diwanji). Vācaspati wrote learned works on several śāstras. His Nyāya-sūcinibandha was composed in Vatsara 898 i. e. 841-41 A. D. (or even if the figures be taken as referring to Śaka era before 976 A.D.). Therefore, the Brhad-Yogi-Yāj. would have to be placed at any rate before 800 A. D. or at least before 950 A. D. Prof. Keith in 'Indian Logic and Atomism' Oxford, 1921) prefers 841 A. D. as the proper date (pp. 29-30) for Vācaspati. Aparārka in his voluminous commentary (on Yāj.) mentions Yogayājñavalkya (Lonavala edition) at least 25 times and quotes about 65 verses from it.

There are some special features in the Br. Yogi-Yāj. Most early and mediaeval works on Yoga do not dilate upon the prescribed daily duties (such as bath, sandhyā, sūryopasthāna), while this work attaches importance to them and dilates upon them. Another outstanding feature is that it upholds the view called 'Jñānakarmasamuccaya.' One reaches the Highest Self by the union of knowledge and actions; one would not secure perfection by treating the two as distinct from one another, therefore one should have recourse to both. Jñāna is predominant but not so when bereft of actions; activity (actions) is predominant, but not when devoid of knowledge. Therefore, perfection results from both only, just as a bird cannot fly on one wing. (To hold) that mokṣa (release from bondage) follows from knowledge is a sign of indolence. Unwise people desire no activities for fear of trouble to the body" (B. Y. Y. IX. 28, 29, 34). Another noteworthy matter is that the Br. Y. Y. arranges the list of the eight āṅgas of yoga as pratyāhāra, dhyāna and dhāraṇa and departs from the order stated in Yogasūtra II.28. The Br. Y. Y. holds that even a householder by performing the prescribed duties, by thoroughly understanding the nature of Ātman and by the thorough knowledge of Vedānta passages secures mokṣa.



The Brahmacāri-kāṇḍa and Mokṣa-kāṇḍa of the Kalpataru (about 1125-1150 A. D.) quote respectively about sixteen and ten verses from Yogiyājñavalkya. A well-known verse about the meaning of mātṛā in prāṇāyāma has been quoted in vol. V. (of the H. of Dh.) p. 1438 n. 2361 from the Yogi-Yāj. which is Br. Y. Y. VIII.12. An interesting passage from the Brahmacārikāṇḍa of the Kalpataru is quoted in the foot-note which shows that the work was known as Yogi-Yājñavalkya to the Kalpataru.<sup>490</sup>

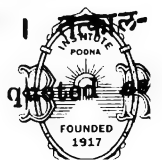
The Yoga-Yājñavalkya edited by Mr. Divanji is like an elementary treatise or handbook chiefly on Haṭhayoga of less than 500 verses. It is not possible to agree with Mr. Divanji that it was the Yogasāstra referred to by Yājñavalkya-Smṛti (III.110) as already composed by him before the Yāj.Smṛti. One circumstance against it (in putting forward Gārgī as the wife of the sage Yājñavalkya) has already been stated above. Moreover, it differs from the Yājñavalkyasmṛti on some important matters. Some differences may be mentioned here. Yāj. enumerates ten Yamas and ten Niyamas (in III.312-13). In Yoga-Yāj. also the number of both is the same (I.50-51 for yamas and II.1-2 for niyamas). But the details differ in both. Seven Yamas are the same in both viz. Brahmacharya, dayā, kṣānti, satya, akalkatā (i. e. ārjava), ahimsā and asteya. Dāna is a yama in Yāj; but a niyama in Yogi-Yāj. Most niyamas are different. Both these works differ a good deal from the Yogasūtra II.30 and 32 in the number of Yamas and Niyamas and their names.

Yāj. I.10 states that Brāhmaṇas, Kṣatriyas and Vaiśyas are dvijas and all rites for them from Garbhādhāna to Antyeṣṭi are to be performed with Vedic mantras. So a Vaiśya could take to the order of forest hermits if he chose to do so. But the Yoga-Yāj. (II.30 and 35) expressly states that Kṣatriya can resort to three āśramas (i. e. he cannot become a Sanyāsin).

It may be noted that Śrīdatta (about 1275-1310 A. D.) quotes from Yogi-Yājñavalkya about 15 verses in his small work called Chandogāhnika (only 63 pages in Nir. edition,

490 The verse is : अङ्गलिमोक्षत्रितयं जानूर्वोः परिमार्जनमथापि ।

त्रयमणि तज्ज्ञा मात्रासंज्ञां प्रशंसन्ति ॥ बृहयोगियाज्ञ. VIII. 12  
योगियाज्ञवल्क्य in कृत्यकल्पतरु ( मोक्षकाण्ड page 171. )



1930), all of which occur in Br. Y. Y.; as on p. 9 (4 verses = Br. Y. Y. VII. 162-165); Br. Y. Y. VII. p. 10-12; Br. Y. Y. 167 and VII. 119, p. 13 (2 verses Br. Y. Y. VII. 36, 158), p. 17 (Br. Y. Y. VIII 47, Śrīdatta setting aside several views on Prāṇāyāma of others on account of this verse), p. 19 (one verse = Br. Y. Y. VI. 25) p. 25 (2 verses = Br. Y. Y. IV 27-28), p. 27 (one verse Br. Y. Y. I. 28), p. 27 (2 verses Br. Y. Y. X. 13, 15), p. 44 (one verse Br. Y. Y. VII. 98).

Mr. Divanji has not been able to show that these numerous quotations from medieval exhaustive works such as Aparārka's commentary, the Kalpataru on Brahmacārī and Mokṣa Kāṇḍas and the Dānasāgara occur in the work edited by him.

Even some learned and comparatively early commentators quote portions from the Yāj. Smṛti as from Yogi-Yāj. For example, Kullūka on Manu III.1 (laying down various periods of time for Vedic studies) quotes Yāj. I.36 as Yogi-Yājñavalkya "Yadāha Yogi-Yājñavalkyaḥ-Prativedam brahmacaryam dvādaśābdāni pañca vā."

From the above it is clear that Yoga-Yājñavalkya and Brhad-Yogi-Yājñavalkya are entirely different works and that the latter is comparatively an early work, as quotations from it are cited by Vācaspatiśra (9th century) and Aparārka.

The Brhad-Yogi-Yājñavalkya contains numerous quotations from the Manusmṛti and the Bhagavadgītā and a few from the Yāj. Smṛti itself: Yāj. Smṛti I. 3 is the same as Brhad-Yogi Yāj. XII. 3 (which latter substitutes the word 'tarka' for 'nyāya'). Therefore the Brhad-Yogi-Yājñavalkya may be placed between 300 to 700 A. D.

There were probably many commentaries on the Yāj. Smṛti. Out of these those of Viśvarūpa, Vijñāneśvara, Aparārka, Śūlapāṇi and Mitramiśra are the most famous. For these, vide sections 60, 70, 79, 95, 108 below. It has been shown above that Viśvarūpa had before him some commentary or commentaries on Yāj. not now extant. For these see sections 60, 70, 79 and 95 below. On account of the paramount importance of the Mit. in modern Hindu Law administered by British Courts in the whole of India, the smṛti of Yāj. has indirectly become the guiding work for the whole of India and this position it richly deserves by its concise but clear statement of principles, its breadth of vision

and its comparative impartiality towards the claims of both sexes and the different varṇas.

Viśvarūpa on Yāj. I. 4—5 quotes two verses of Vṛddha-Yājñavalkya ( vide note below ). The Mit. on Yāj. III. 1—2 quotes one verse of Vṛddha-Yāj. and two verses of Vṛddha-Yāj. on III.19. Further, it quotes a verse and a half as from both Vṛddha-Yāj. and Chāgaleya on the after-death rites for those who kill themselves in circumstances in which the śāstras do not permit suicide, wherein the view of Yama is mentioned. The view of Brhad-Yāj. on there being no prohibition against Kṣatriyas and Vaiśyas drinking *madya* ( but only against *surā* ) has been cited above. Aparārka quotes Vṛddha-Yāj. ten times.

Mr. Divanji relies on quotations in the Bhāṣya attributed to Śaṅkarācārya on the Śvetāśvatara-upaniṣad. In ABORI Vol. 34 p. 23, Mr. Divanji admits that scholars question the claims of that Bhāṣyakāra to be the famous Śaṅkarācārya, but argues that, even if a successor of the original Śaṅkarācārya quotes them as Yogayājñavalkya, then that is positive proof that some verses of Yogayājñavalkya are quoted by some writer. But there is a snag in this argument. The Bhāṣyakāra ( whoever he may be ) of the Śv. Up. quotes the Yāj. Smṛti as Yājñavalkya ( as on p. 5 Yāj. III. 62, 141 and 156—59 ) and as Bhagavān Yāj. ( verse III, 144 ) on Śv. Up. I.7 p. 29. The same Bhāṣyakāra quotes on Śv. Up. 1.7 ( p. 28 ) four verses as those of Yogyājñavalkya. This shows that the Bhāṣyakāra of Śv. Up. regards the two as different. Mr. Divanji fails to show that these verses occur in the Yoga-Yājñavalkya ( that he edits ). Mr. Divanji failed to recognize that Yāj. Smṛti ( III. 144 ) was quoted as that of Bhagavān Yāj. Again on the same page 23 ( of ABORI vol. 34 ) he remarks that out of 9 verses quoted on Śv. Up. I. 29 of the Bhāṣya, 18 could be found with slight variations in the Yoga-Yāj°. There is a serious mistake here. The verses are not cited expressly as from Yogayāj. as the Bhāṣya expressly cites four verses on Śv. Up. 17 as from Yogi-Yāj. The Bhāṣya does not introduce them as from Yoga-Yāj. and therefore it is quite likely that those 29 verses occurred in some other work on Yoga from which the Bhāṣyakāra ( on Śv. Up. II. 9 ) quoted and from which the Yoga-Yāj. copied some for its own purpose. Mr. Divanji's conclusion is vitiated by this serious mistake that



he commits. Eighteen whole verses out of 29 quoted on p. 9 are not found but mostly half verses are quoted which occur in *Yogayājñavalkya* edited by Mr. Divanji. Granting for argument that 18 out of 29 are found in *Yogayājñavalkya* whence do the other eleven come? The only possible conclusion is that all 29 are from one work, from which the present *Yoga-Yāj.* borrows its verses. There is another slip on Mr. Divanji's part. These 29 verses are quoted in *Bhāṣya* on Śv. Up. II. 9 and not on I. 9. Besides, one of the 29 verses is 'Prāṇāyāmair dahed-doṣān &c.' which is *Manu* VI. 7 and occurs also in *Br. Y. Y.* VIII. 32.

Mr. Divanji's mentality is rather peculiar. On p. 113 of *JBBRAS* vol. 29, Mr. Divanji gives a list of eight items on quotations from and references to this work (i. e. to *Yogayājñavalkya* that he edits) in other works. The first item (*Śāṅkara-bhāṣya* on Śv. Up.) has been dealt with already. The third reference is to *Sarvadarśanasamgraha* of *Mādhavācārya* (a work of the 14th century A. D.). That work, he says, contains four quotations of the work he edits. That work also quotes *Brhad-Yoga-Yājñavalkya* on p. 143 'Hiranyagarbho Yogasya &c. (which is *Br. Y. Y.* XII.5). The 8th item (and the last) on that page is above all, the author of the *Yājñavalkya-Smṛti* has in III. 110 referred to a 'Yoga-śāstra promulgated by me,' which can be none other than this (and refers to his own Introduction on p. 8). This is an extraordinary argument. He was a high judicial officer in the days of the British rule. He has written profusely on this one work but with great regret the present author has to say he has not kept an open and judicial mind. He assumes as indisputable what has to be proved to the satisfaction of the scholarly world. The other items that he puts forward on p. 113 above cited are worth little.

### 35. *The Parāśara Smṛti*

This work has been published several times, but the edition of *Jivananda* (part II. pp. 1-52) and that in the *Bombay Sanskrit Series* with the voluminous gloss of the great *Mādhava* are the best known. In the following pages *Jivananda's* edition has been used.

The *smṛti* of *Parāśara* must have been an ancient one as *Yāj.* (I.4) mentions him among the ancient writers on *dharma*.

But it is doubtful whether we possess the ancient *smṛti* of *Parāśara*. The extant *smṛti* is probably a recast of it as it mentions *Yāj.* in the first chap. ( p. 2 ). The *Garuḍapurāṇa* in chap. 107 gives a summary (in 39 verses ) of the *Parāśara-smṛti*. In doing so it takes parts of the latter and pieces them together. For example, verses 2-4 in the *Garuḍapurāṇa* ( chap. 107 ) are ‘*śrutiḥ smṛtiḥ sadācāro yaḥ kaścīd vedakartrkaḥ | vedāḥ smṛtāḥ brahmaṇāḥlau dharmā Manvādibhiḥ sadā || dānam kaliyuge dharmāḥ kartāram ca kalau tyajet | pāpakṛtyam tu tatraiva śāpam phalati varṣataḥ || ācārāt prāpnuyāt sarvaṁ ṣaṭ karmāṇi dine dine | sandhyā snānam japo homo devātithyādipūjanam ||*’ These are taken *verbatim* or with slight changes from the *Parāśara-smṛti* ; compare : ‘*na kaścīd vedakartā ca vedasmartā caturmukhaḥ | śrutiḥ smṛtiḥ sadācārā nirṇetavyāśca sarvadā | tathaiva dharmam smarati Manuḥ kalpāntarāntare | tapaḥ param... dānamekam kalau yuge |... tyajet-deśam kṛtayuge... kartāram ca kalau yuge |... kṛte tū tatksaṇāt śāpaḥ... kalau saṁvatsarena tu ||* chap. I. verses 20, 21-23, 25, 27 and vide 39 for verse 4 of the *Garuḍa-purāṇa*. This establishes that the *Garuḍapurāṇa* regarded the *Parāśara-smṛti* authoritative and ancient. There is another problem to be considered. *Kautilya* mentions six times the views of *Parāśara* or the *Pārāśaras* on various aspects of politics and state administration.

The *Arthaśāstra* mentions the views of the *Pārāśaras* ( School following *Parāśara*’s views ) in I. 8. 7, I. 15. 23, I. 17. 9, II. 7. 12, VIII. 1. 24, VIII. 3. 30 ( of Prof. Kangle’s edition ). Therefore, it appears that there was a work of *Pārāśara* on politics, in which it is possible that *vyavahāra* also was dealt with.

The extant *Parāśarasmṛti* is divided into twelve chapters and contains according to the last verse but only 592 verses. It deals only with *ācāra* and *prāyaścitta*. *Mādhava* introduced his disquisition on *vyavahāra*, which forms about a fourth of his extensive gloss, in an indirect way by regarding *vyavahāra* as a part of the duties of *Kṣatriyas* on which the *Parāśarasmṛti* has something to say.<sup>491</sup>

491 क्षत्रियो हि प्रजा रक्षन् शस्त्रपाणिः प्रचण्डवत् । विजित्य परसैन्यानि हि क्षिप्रमेण पालयेत् ॥ पराशरस्मृति chap. I. p. 6. ( B. S. Series ) ; ‘ अत एव चारकाण्डे व्यवहाराणामन्तर्भावमभिप्रेत्य पराशरः पृथग्व्यवहारकाण्डमकृत्वा विहितं व्यवहाराणां सूचनमात्रं व्यवहाराणां कृतवान् । परा. मा. p. 8. ’





The name Parāśara is an ancient one. In Rg. VII. 18. 21 Parāśara is mentioned as a grandson of Vasistha 'Pra ye gr̥hadamamadus-tvāyā Parāśarah-Śatayātur-Vasisthah.' The plural 'ye' in the verse requires that 'Śatayātuḥ' is an individual's designation (literally meaning either one who possessed hundred magic tricks or one against whom one hundred magic tricks were practised). In the Tai. Āraṇyaka (I. 1. 3. 37) we have a Vyāsa Pārāśarya. In the Vamśa that occurs in the Bṛhadāraṇyaka II. 6. 2 and IV. 6. 3 we have a Pārāśarya. The Nirukta gives an etymology of Pārāśara.<sup>492</sup> Pāṇini attributes a bhikṣusūtra to Pārāśarya.<sup>493</sup> 'In the Śāntiparva (Chapters 290-298) there is a lengthy dialogue between Parāśara and king Janaka.

The introductory verses of the smṛti say that sages went to Vyāsa and requested him to instruct them in the dharmas and conduct beneficial to mankind in the Kali age and that the great Vyāsa took them to his father Parāśara, son of Śakti, in the Badarikāśrama, who then propounded the dharmas of the four *varṇas*. The first chapter recites the smṛtis then known (19 in all) and lays down that in the four ages of Kṛta, Tretā, Dvāpara, and Kali, the dharmas proclaimed by Manu, Gautama, Śaṅkha-Likhita and Parāśara were respectively to be the guiding ones. The following are briefly the contents of the Parāśarasmr̥ti:—

I. Introductory verses; Pārāśara imparts to the sages knowledge of dharma; the dharmas of the four *yugas*; differentiation of the four *yugas* from various points of view; six daily duties, viz. sandhyā, bath, *japa*, *homa*, Vedic study, worship of gods, Vaiśvadeva and honouring guests, eulogy of honouring guests, the proper means of livelihood for Kṣatriya, Vaiśya and Śūdra; II. duties of householder; agriculture; the five unconscious acts of injury to animal life; III. purification from impurity due to birth and death; IV. concerning suicide; punishment for wife deserting her husband though poor, foolish or diseased; definition and rules about Kuṇḍa, Golaka, Parivitti, and Parivitta; remarriage of women; rewards for chaste widows; V. expiation for minor things (such as dog-bite); about a Brāhmaṇa who has consecrated ~~himself~~

492 पराशीर्णस्य वसिष्ठस्य जज्ञे । निरुक्त VI. 30.

493 पाराशर्यशिलालिभ्यां भिक्षुनटसूत्रयोः । पा. IV. 3. 110.



dying on a journey or committing suicide; VI. Expiation for killing various beasts and birds, for killing Śūdras, artisans, women, Vaiśyas, Kṣatriyas, sinful Brāhmaṇas; eulogy of Brāhmaṇas; VII. purifications of various articles (such as vessels of wood, metal &c.); about a woman in her menses; VIII. Expiations for killing cows and oxen unwittingly in various ways; approaching a *pariṣad* for expiation, constitution of a *pariṣad*; praise of learned brāhmaṇas; IX. proper thickness of sticks for beating cows and bulls; expiations for using thicker sticks and injuries to them; X. other expiations such as cāndrāyana for intercourse with women with whom intercourse is forbidden; the expiation called Sāntāpana; XI. expiation for partaking food from Cāṇḍālas &c.; rules as to whose food may be taken and whose not; purification of wells &c. when animals fall in them; XII. bath prescribed after evil dreams, vomiting, shaving &c.; expiations for drinking wine and nasty things through ignorance; five kinds of bath; when bath at night allowed; what things should always be kept in the house or seen; definition of the unit of ground called *gocarma*; expiations for the deadly sins of brahmahatyā, drinking liquor, theft of gold &c.

Parāśara contains several peculiar views. He speaks of only four sons (aurasa, kṣetrāja, datta and kṛtrima) though he does not expressly negative a larger number (chap. 4 p. 14). He eulogises the practice of *Satī* (last two verses of chap. 4). The well-known verse of Nārada (Strīpuṃsa-yoga 97) “naṣṭe mṛte &c.” is read at the end as “patir-anyo na vidyate” (p. 15). There are a few verses in the Indra vajrā metre (e. g. on pp. 11–12 and 36). The Parāśarasmr̥ti quotes the views of several writers on dharma. Manu is frequently cited in the words “Manur-abraṇīd.” In the 7th chapter alone those words occur four times.<sup>494</sup> None of them corresponds exactly with any verse of the Manusmṛti. Yet Manu V. 133 may be compared with the first two. Besides these, in the 9th chapter Manu’s view is quoted that on killing an animal the guilty party should restore a similar one to the owner

494 मारजारमक्षिकाकीटमृदङ्गकृमिदुर्दुराः । मेध्यामेध्यां स्पृशन्त्येव नोच्छिष्टान्मनुर-  
ब्रवीत् ॥. There are two more endings with नोच्छिष्टान्मनुर-  
प्रभासादीनि तीर्थानि गङ्गायाः सरितस्तथा । विप्रस्य दक्षिणे कणे सान्निध्यं  
मनुरब्रवीत् ॥ पराशर chap. 7; compare बौ. ध. सू. I. 4. 2. for the first.



or its price.<sup>495</sup> In the 10th he says that according to Manu uncooked food, milk or oil brought from a śūdra's house and used in cooking in a Brāhmaṇa's house could be eaten by a Brāhmaṇa. This is similar to Manu IV. 223.<sup>496</sup> In the 12th chapter Parāśara cites the view of Manu that a Brāhmaṇa fed on food (cooked) from śūdras would become a vulture for twelve births, a pig for ten and a dog for seven. There is nothing corresponding to this in Manu. In the 9th chap. Manu is spoken of as one who knows all śāstras.<sup>497</sup> The first verse of the 6th chapter says that Manu deals at length with expiation for killing animals.<sup>498</sup> This is probably a reference to Manu XI. 131-141. Numerous verses in the Parāśara-smṛti are word for word the same as those of the Manusmṛti. For example, Manu I. 85-86 occur in the first chapter of Parāśara, Manu V. 160 (about a widow remaining chaste) occurs with slight variations in the 4th; Manu XII. 114-115 (about *pariśad*) occur in the 8th chap. (p. 29); Manu XI. 212 (about the definition of Sāntapana) is the same as Parāśara (10th chap. p. 40). Several verses are common to Baudhāyana and Parāśara, e. g. Baud. Dh. S. I. 1. 8, 11, 14 occur in the eighth chapter of Parāśara (pp. 29, 30). The verse "na nārikelair na ca śāṇabālair" occurring in Parāśara (9th chap. p. 35) is quoted as Vasiṣṭha's by Haradatta on Gautama (22. 18). Parāśara is mentioned by name several times (chap. III. 2, p. 8, chap. VI. I. p. 18 and p. 23, chap. VII. 1. p. 24, chap. X. 12. p. 38). Uśanas is cited on p. 49 (chap. 12), Prajāpati (in IV. 3. p. 13), Śaṅkha (chap. 4 p. 15). Veda, Vedāṅgas, dharmaśāstras and smṛtis are spoken of on p. 23 (6th chap.). In the 11th chap. Parāśara refers to several Vedic *mantras*, most of which occur in the Ṛgveda, but two of them, "tejosi śukram" and "devasya tvā" are not found in the Ṛgveda, but in the Vāj. S. (22, 1 and 1. 24 respectively). Parāśara

495 प्रमाणे प्राणभृता दयात्तत्प्रतिरूपकम् । तस्यानुरूपं मूल्यं वा दयादित्यब्रवीन्मनुः ॥  
पराशर 9th chap.

496 शुष्कार्जं गोरसं स्नेहं शूद्रवेश्मन आगतम् । पक्वं विप्रगृहे पूतं भोज्यं तन्मनुरब्रवीत् ॥  
पराशर 10th chap. ; नायाच्छूद्रस्य पक्वान्नं विद्वानश्राद्धिनो द्विजः । आददी-  
ताममेवास्मादवृत्तावेकरात्रिकम् ॥ मनु. IV. 223.

497 मनुना चैवमेकेन सर्वशास्त्राणि जानता । पराशर 9th chap.

498 अतः परं प्रवक्ष्यामि प्राणिहत्यासु निष्कृतिम् । पराशरेण पूर्वोक्ता मन्वथे च  
विस्तृताम् ॥



appears to have been a practical man. He exhorts his readers to save their bodies first in invasions, journeys, diseases, calamities and then care for dharma. He recommends the non-observance of rules of purity in times of difficulty and adherence to the strict rules of dharma when one is at ease.<sup>499</sup>

The Mit., Aparārka, Smṛticandrikā, Hemādri and other later works quote Parāśara very frequently. Most of these are found in the extant Parāśarasmṛti. For example, vide pp. 1169, 1177, 1180, 1191 &c. of Aparārka, all of which are traced in Parāśara pp. 42, 43, 42 and 16 respectively. Viśvarūpa quotes Parāśara several times and these quotations can be verified; e. g. on Yāj. III. 16 the verse “anātham” ascribed to Parāśara is found in Parāśara chap. III p. 10; on Yāj. III. 257 ten verses are cited by Viśvarūpa from Parāśara which occur in Parāśara with considerable variations (chap. VII. pp. 20–21); on Yāj. III. 262 the verse “gavām bandhana” is cited from Parāśara, which is the first verse of the 8th chapter. Therefore, it is quite clear that in the first half of the 9th century the Parāśarasmṛti that we have now was considered to be authoritative and the work of an ancient sage. It seems to have known a work of Manu, as seen above. Therefore, it must be assigned to some period between the first and the 5th century of the christian era. In the same direction points the fact that the Garuḍapurāṇa (chap. 107) seems to have known the introductory verses of Parāśara and as shown above (p. 191) combines passages of Parāśara in a summary of its teachings.<sup>500</sup> The Viṣṇu-dharmottara which is frequently quoted by Aparārka and other later works cites verses that are borrowed from Parāśara. For example, chap. 75. 1 of the former is the same as a verse of Parāśara.<sup>501</sup>

499 देशभङ्गे प्रवासे वा व्याधिषु व्यसनेष्वपि । रक्षेदेव स्वदेहादि पश्चाद्धर्मं समाचरेत् ॥  
आपत्काले तु संप्राप्ते शौचाचारं न चिन्तयेत् । स्वयं समुद्धरेत् पश्चात् स्वस्थो  
धर्मं समाचरेत् ॥ 7th chap., last three verses.

500 पराशरोब्रवीद् व्यासं धर्मं वर्णाश्रमादिकम् । कल्पे कल्पे क्षयोत्पत्त्या क्षीयन्ते तु  
प्रजादयः ॥ गरुडपुराण 107. 1 (Venkatesvar Press ed.).

501 अनाथं ब्राह्मणं प्रेतं ये वहन्ति द्विजातयः । पदे पदे यज्ञफलमानुपूर्वाङ्गान्ति वेत्ति ॥  
पराशर chap. 3. p. 12.



Viśvarūpa frequently quotes Parāśara e. g. on Yāj. II. 6 he quotes two verses of Parāśara by name that are Parāśara III. 45 and 47 ; on Yāj. III. 30 he cites verses of Parāśara viz. III. 5 ( ekāhāt &c. ), III. 6 ( nāmadhāraka° ), III. 8 Ubhaya-tra &c. ), III. 26 ( Samparkesu &c. ), on Yāj. III. 250 ( Patat-yardham &c. Parāśara X. p. 40 ). Medhātithi on Manu V. 89 states that in the case of those who perform after-death religious rites for those who commit suicide Parāśara prescribes Taptakṛcchra penance. The Mitākṣarā quotes about twenty-five verses on Yāj. III from Parāśara e g. on Yāj. III. 250, 4½, on Yāj. III. 261 and 6½ verses, on Yāj. III. 263-64. Aparārka also quotes a few verses on ācāra ( about 9 ) and about 90 on Yāj. III. Aparārka on Yāj. III. 318 quotes a verse from Parāśara about the number of morsels to be eaten on *ekabhakta* and other observances and immediately afterwards quotes a verse of Vṛddha-Parāśara which differs from Parāśara. The Smṛti-candrikā ( on *āhnikā* pp. 94-95 ) quotes two verses from Vṛddhaparāśara.

It is to be noted that Aparārka ( p. 1061 on Yāj. III. 250 ) quotes three verses from the Bhaviṣyatpurāṇa which mention that a brāhmaṇa who kills another brāhmaṇa ( not learned in the Veda ) may perform the penance declared by Parāśara and cites ten verses from Parāśara-smṛti of which most are found in the printed Parāśara XII Jivānanda pp. 50-51 ) though not all.

There is an extensive work called Br̥hat-Parāśara-saṁhitā ( published by Jivananda, part II. pp. 53-309 ). It is divided into 12 chapters and the last verse says that it contains 3300 verses and that Suvrata proclaimed the śāstra imparted by Parāśara. The introductory verses contain the same story as that in the Parāśara-smṛti and many of the verses in the first chapter of the two works ( such as those about the 19 writers on dharma &c. ) are almost the same in both. The total of verses in the printed work comes to about 3000 and not 3300. It appears that the work is a recast of the Parāśarasmr̥ti made by Suvrata. The subjects of the twelve chapters are :—I. Introductory, the proper sphere of Āryas ; summary of contents ; II. Disquisition on the 6 daily *karmans*, sandhyā, bath, *japa*, worship of gods, Vaiśvadeva and honouring guests ; Gāyatrī ; the dharmas of the *Varṇas* ; III. duties and manners of a householder ; agriculture, honour to cows ; IV. forms of marriage ; duties of wives ; Jātakarma and

other rites ; gifts ; proper persons to receive gifts ; V. concerning śrāddhas ; VI. impurity on birth and death ; prāyaścittas for various acts ; VII. cāndrāyaṇa and other penances ; VIII. gifts ; IX. rites for propitiating Gaṇeśa and the planets, Rudra &c ; X Rājadharmā ; dharmas of forest hermit and *yati* ; XI. the different varieties of Brahmācārin, householder, forest hermit and *yati* ; XII. prāṇāyāma and other aṅgas of *yoga*.

This Br̥hat-Parāśara contains a considerable number of verses mostly in the Indravajrā metre and a few in the Vasantatilakā (e. g. p. 134).

The Br̥hat-Parāśara appears to be a late work. It is a recast of the Parāśara-smṛti. It contains the Vināyakaśānti as elaborated by Yājñavalkya, since it speaks of only one Vināyaka ( 9th chap. p. 247 ) and not of four as in M. Gr. S. On p. 249 it quotes Yāj. I. 285 ( about the names of Vināyaka ) with the readings found in the Mit. It speaks of the rāsis ( p. 244 ). It is not quoted by Viśvarūpa, the Mit. or Aparārka. It is mentioned in Bhaṭṭoji's comment on the Caturvimśati-mata ( p. 138 ) and by Nandapaṇḍita in the Dattakamīmāṃsā, which quotes a verse ( Br̥hat-Parāśara p. 153 ).<sup>502</sup>

A Vṛddha-Parāśara is quoted by Aparārka ( on Yāj. III. 318 ) immediately after Parāśara and as holding a different view.<sup>503</sup> Mādhava also quotes a Vṛddha-Parāśara ( Parāśara-Mādhaviya vol. I, part I, p. 230 ). This seems to be a different work from the Parāśara-smṛti and the Br̥hat-Parāśara. Hemādri ( Carturvarga° vol. III, part 2, p. 48 ) and Bhaṭṭoji in his gloss on Caturvimśatimata ( p. 138 ) quote a Jyotiḥ-Parāśara.

The Smṛti-candrikā quotes a few verses from a work called Jyotiḥ-Parāśara in Śrāddhakāṇḍa.

502 अपुत्रस्य पितृव्यस्य तत्पुत्रो भ्रातृजो भवेत् । स एव तस्य कुर्वीत श्राद्धं पिण्डोदकक्रियाम् ॥ दत्तकमीमांसा p. 36.

503 On याज्ञ. III. 318 ( एकभक्तेन नक्तेन etc. ) अपरार्क remarks ( p. 235 ):- एकभक्तादौ प्राससंख्यानियममाह पराशरः । सायं तु द्वादश प्रासाः प्रातः पञ्चदश स्मृताः । चतुर्विंशतिरयाच्याः परं निरशनं स्मृतम् इति । वृद्धपराशरः याच्यास्त्वन्यथाह । सायं द्वाविंशतिर्ग्रासाः प्रातः षड्विंशतिः । चतुर्विंशतिरयाच्याः परं निरशनं स्मृतम् । कुकुटाण्डप्रमाणाः स्मृताः वासि विशेत्सुखम् ॥ इति ।



## 36. The Nāradaśmṛti

There are two versions of Nārada on Vyavahāra, a smaller and a larger one. The smaller version was translated by Dr. Jolly in 1876 (Trübner & Co., London). The text of the longer version was published by the same scholar in the Bibliotheca Indica series (1885) and was translated by him in the Sacred Books of the East Series (vol. 33). The edition of the text is accompanied up to verse 21 of the 5th title 'abhyupetyāśuśrūṣā' by extracts from the commentary of Asahāya as revised by Kalyāṇabhaṭṭa, who was encouraged in the task of revision by Keśavabhaṭṭa.

From verse 22 of the same title the printed text is the same as the smaller version. A verse quoted as Nārada's by Kṣīrasvāmin is not found in the larger version but is found in the smaller version.<sup>504</sup> An ancient Ms. of Nārada from Nepal dated 1407 A. D. contains two additional chapters on theft and ordeals. Dr. Jolly includes the first as an appendix and omits that on ordeals on the ground that it is not authentic. One of the colophons of the Nepalese Ms. describes it as 'iti Mānava-dharmaśāstre Nāradaḥ proktāyām saṁhitāyām &c.' This corroborates what was said above (pp. 149, 156) as to the close connection between Manu and Nārada.

Nārada is not mentioned by Yājñavalkya in the list of ancient writers on dharma, nor does Parāśara mention him. Viśvarūpa, however, quotes a verse of Vṛddha-Yājñavalkya (on Yāj. I. 4-5), where Nārada is the first among ten expounders of dharma enumerated therein. 'Nārada is a very ancient name. The Manusmṛti (I. 35) mentions Nārada as one of the ten primeval Prajāpatīs. In the Mahābhārata sage Nārada figures frequently. In Udyogaparva (49. 22) he is said to have told the Vṛṣṇis to do their duties (tasmāt-karmaiva kartavyam-iti hovāca Nāradaḥ | etad-hi sarvamācaṣṭa Vṛṣṇicakrasya vedavit). Śānti (30.6) says that Nārada was the maternal uncle of Parvata. In Śāntiparva 29. 13 ff it is stated that Nārada comforted Yudhiṣṭhira on the death of his many relatives and warriors by dilating upon the stories of sixteen ancient kings and heroes who had also similar

504 क्षीरस्वामी on Amarakośa 'शूद्राश्चावरवर्णाश्च वृषलाश्च जघन्यजाः' quotes 'नारदस्तु-वृषो हि भगवान्धर्मस्तस्य यः कुरुते लवम् । 'वृषलं तं विजानीयात्' This first half is Manu 8. 16 (वृषो...लवम्) and शान्तिपर्व 90. 15.



sorrows. In Śalyaparva, Nārada is said to have informed Balarāma that his two disciples Bhīma and Duryodhana were going to fight with maces. There Nārada is described as holding a fine Viṇā as an expert in dance and song and as stirring up feuds and always fond of quarrels (*prakartā-kalahānām ca nityam ca kalahapriyaḥ*) in chap. 54. 18-20. According to the Mahābhāṣya on Vārtika 15 on Pāṇ. (VIII. 1. 15, Kielhorn ed. III. p. 371), Nārada and Parvata may be spoken of as 'dvandvam Nārada-parvatau as they are a famous pair that is 'atyantasahacarita' (not even Yudhiṣṭhira and Arjuna are so).

The printed Nārada contains three introductory chapters on the principles of judicial procedure (*Vyavahāra-mātrkā*) and on the judicial assembly (*sabhā*). Then the following titles of law are dealt with one after another:—*ṛṇādāna* (recovery of debts), *upanidhi* (deposit, lending, bailment), *sambhūya-samutthāna* (partnership), *dattāpradānika* (gifts and resumption thereof), *abhyupetya-aśuśrūṣā* (breach of contract of service), *vetanasya-anapākarma* (non-payment of wages), *asvāmivikraya* (sale without ownership), *vikrīyā-sampradāna* (non-delivery after sale), *kṛtānuśaya* (rescission of purchase), *samayasyānapākarma* (violation of conventions of corporations, guilds &c.); *sīmābandha* (settlement of boundaries); *striṇṣayoga* (marital relation); *dāyabhāga* (partition and inheritance); *sāhasāḥ* (offences in which force is the principal element), such as homicide, robbery, rape &c.; *vākpāruṣya* (defamation and abuse) and *daṇḍapāruṣya* (hurt of various kinds); *prakīṛṇaka* (miscellaneous wrongs). The appendix deals with theft; a few remarks are made on that topic under the title of 'sāhasa'.

It will be noticed that Nārada follows the Manusmṛti to a considerable extent in the nomenclature and the arrangement of the eighteen titles. Some of the titles are differently named by Nārada, e. g. he speaks of *upanidhi*, while Manu employs the word *nikṣepa*. Nārada seems to have included the 'svāmipālavivāda' of Manu in 'vetanasya-anapākarma'. He makes one title of *dyūta* and *samāhvaya*. Nārada includes *strisamgrahana* under *sāhasa* and adds three titles, viz. *abhyupetya-aśuśrūṣā*, *vikrīyāsampradāna* and *prakīṛṇaka*. The Smṛticandrikā expressly<sup>505</sup> says that it follows the work





of Nārada in preference to that of Manu as regards the nomenclature and the sequence of the titles of law. Nārada follows Manu in speaking of witnesses in the section on ṛṇādāna and in treating of theft after the eighteen titles have been dealt with ( vide Manu IX. 256 ff. ).

The printed Nārada contains 1028 verses (including 61 on theft in the appendix). About seven hundred of these verses occur in various *nibandhas* as quotations. Up to the 21st verse of the section 'abhyupetyāśuśrūṣā' the commentary of Asahāya furnishes a valuable check for the authenticity of the text. For the remaining portion, there are important data as to its authenticity, sequence and readings. Viśvarūpa, who belongs to the first half of the 9th century, quotes about fifty verses of Nārada (generally by name). The text that he had before him was essentially the same as that of the printed edition except in a very few cases. Out of the seven verses of Nārada on 'samayasya-anapākarma' Viśvarūpa quotes five (on Yāj. II. 190 and 196) and expressly states that Nārada wound up his chapter on that topic with the verse 'doṣavat karaṇam &c.' as the printed text does. On Yāj. II. 226 Viśvarūpa distinctly says that the verse 'yameva hyativarteran' &c. is followed immediately by 'malā hyete manuṣyeṣu'. This is the case with the printed text also (dyūtasamāhvaya, verses 13-14). On Yāj. III. 252 Viśvarūpa quotes a verse of Nārada about the three kinds of wealth, viz. śukla, śabala and kṛṣṇa, which does not occur in that form in Nārada, though the latter contains similar dicta.<sup>508</sup> Viśvarūpa contains no quotation from Nārada on the topics of ācāra or prāyaścitta. The same is the case with Medhātithi and the Mitākṣarā. Medhātithi somewhat inaccurately summarises the introductory words (in prose) of Nārada (vide note 269 above). Medhātithi frequently quotes Nārada particularly from the sections on ṛṇādāna (vide on Manu 8. 47, 155, 149) and dāyabhāga (on Manu 8, 28, 29, and 207, 209 and 143). On Manu 8, 349 he quotes Nārada on partnership (verse 10), on 8. 216 he quotes Nārada (vetanasya-anapākarma, verse 5). In some cases Medhātithi cites Nārada's verses without naming him e. g. on Manu 9. 76 he quotes the

508 शुक्लं च शबलं चैव कृष्णं च त्रिविधं धनम् । शुक्लं न्यायार्जितं धर्म्यमितम्  
व्यावहारिकम् ॥ तत्पुनस्त्रिविधं ज्ञेयं शुक्लं शबलमेव च । कृष्णं च तस्य  
प्रभेदाः सप्तधा पृथक् ॥ (नारद, ऋणादान 44).



well-known verse 'naṣṭe mṛte pravrajite &c.' (Nārada on marital relation, verse 97) as 'smṛtyantara'. It was shown above (p. 172) that the vyavahāra section of the Agnipurāṇa dates from about 900 A. D. Chap. 253 of the Agnipurāṇa contains thirty verses of the extant Nārada-smṛti, viz. Agni 253. 1b-9a = Nārada (vyavahāra-mātrkā chap. I. 8-15); Agni 253. 9b-12 = Nārada (vyavahāra-mātrkā chap. I. 26-29a); Agni 253. 13-30 are the verses defining the eighteen titles from ṛṇādāna to prakīrṇaka contained in Nārada and occur in the same order in both. The readings preserved in the Agnipurāṇa deserve some discussion. Agni (253. 3-4) reads 'dharmaśca vyavahāraśca...uttaraḥ pūrvasādhakaḥ,' while Nārada has 'pūrvabādhakaḥ.' Agni reads 'caritraṁ saṁgrahe puṁsām rājājñāyām tu sādhanam' (253.5), while Nārada has 'caritraṁ pustakaraṇe rājājñāyām tu śāsanam.' Agni (253.15) reads 'dattvādravyaṁ ca samyag-yaḥ,' while Nārada (dattāpradānika I) reads 'dattvā dravyamasamyag-yaḥ.' The Agni (253. 11) reads 'Śaṅkā sadbhistu saṁsargāt tattvaṁ ṣoḍhābhidaśanāt' and avoids the rare word 'hoḍhābhi-' in Nārada 'Śaṅkāsatām tu saṁsargāt tattvaṁ hoḍhābhidaśanāt' (Vyavahāramātrkā I. 27). For Nārada's 'akṣabradhnaśalākādyair &c.' (dyūtasamāhvaya I) Agni reads 'Aksavajra &c.' (253. 29). The Mit. (on Yāj. II. 199) and Vir. (p. 718) follow printed Nārada in the last case and also in the other cases. The Mit. quotes more than 240 verses of Nārada, sometimes in large groups. For example, it quotes over eleven verses in its Introduction to Yāj. II. 182, nine verses more on Yāj. II. 182 itself and seven verses in introducing the topic of Sāhasa in Yāj. II. 230. In the Smṛti-candrikā, Hemādri, Parāśaramādhaviya and other later *nibandhas* numerous verses of Nārada are quoted on topics of ācāra śrāddha, prāyaścitta. For example, Hemādri (caturvarga°, vol. III. part 2, pp. 159, 183, 185, 223, 235) quotes several verses of Nārada on Ekādaśī and a verse of Nārada about the astrological *yoga* called *padmaka*. The Smṛticandrikā (I. pp. 198-199) quotes 26 verses on the worship of Nārāyaṇa, the last of which is the well-known verse 'dhyeyaḥ sadā savitrīmaṇḍala-madhyavartī &c.' and the same work (on śrāddha p. 354) quotes a verse of Nārada in which Sunday and Saṁkrānti are mentioned. The question arises whether these quotations of Nārada on ācāra and prāyaścitta and allied topics are the work of the same Nārada that wrote on



**Vyavahāra.** From the fact that early writers like Viśvarūpa, Medhātithi and Vijñāneśvara do not contain a single quotation of Nārada on topics other than that of vyavahāra, it appears probable that the quotations on ācāra and prāyaścitta belong to a later date than the Nārada-smṛti on vyavahāra and either did not exist in the days of Viśvarūpa and Medhātithi or had not attained canonical authority in those days. There is in the India Office Library a ms. of Nārada-smṛti in three chapters and 322 verses dealing exclusively with ācāra and prāyaścitta (vide Jolly's Introduction p. 5 to edition of text).

The Nārada-smṛti, excluding the introductory passage in prose about the successive abridgments of the original work of Manu by Nārada, Mārkaṇḍeya and Sumati Bhārgava, is written in the śloka metre except in the case of two verses (verse 38 of the 2nd chap. of vyavahāra-mātrkā and the last verse of the chapter on sabhā). Nārada himself is mentioned by name in connection with the ordeals (ṛṇādāna verse 253).<sup>507</sup> The first person also occurs in 'ataḥ param prava-ksyāmi' (ṛṇādāna 343). Ācāryas are cited in 'dattāpradānika' (verse 5). Dharmaśāstra and Arthaśāstra are mentioned (vyavahāramātrkā, chap. I, 37 and 39) and Nārada lays down the rule as in Yāj. (II. 21) that in a conflict between the two the former should furnish the rule of conduct.<sup>508</sup> Nārada refers to Vasistha's rule about interest (ṛṇādāna 99). Two verses are quoted from a Purāṇa.<sup>509</sup> Manu is named in several places (ṛṇādāna verses 250, 251, 326).<sup>510</sup> The first

507 सन्दिग्धैर्भियुक्तानां विशुद्ध्यर्थं दुरात्मनाम् । प्रोक्तानि नारदेनेह सत्यानृत-  
विशुद्ध्ये ॥

508 यत्र विप्रतिपत्तिः स्याद्धर्मशास्त्रार्थशास्त्रयोः । अर्थशास्त्रोक्तमुत्सृज्य धर्मशास्त्रोक्त-  
माचरेत् ॥

509 पुराणोक्तौ द्वौ श्लोकौ भवतः । यः परार्थे प्रहिणुयात्स्वां वाचं पुरुषाधमः ।  
आत्मार्थे किं न कुर्यात्स पापो नरकनिर्भयः ॥ वाच्यर्था नियताः सर्वे वाङ्मूला  
वाग्निनिश्चिताः । यो हि तां स्तेनयेद्वाचं स सर्वस्तेयकृन्नरः ॥ नारद  
(ऋणादान 227-228).

510 सत्यं वाहनशस्त्राणि गोबीजकनकादि च । ...इत्येते शपथाः प्रोक्ता मनुना स्व-  
कारणे । ऋणादान 248, 250 ; दैवं पञ्चविधं ज्ञेयमित्याह भगवान्मनुः ।  
ऋणादान 251 ; छाया निवेशितो रक्ष्यो दिनशेषमभोजनः । विषवेगहर्षमासीत्  
शुद्धोऽसौ मनुरब्रवीत् ॥ ऋणादान 326.



passage about Manu is quoted by Viśvarūpa on Yāj. ( II. 98 ) and corresponds closely with the teaching of Manu ( 8. 113 ). But the other passages crediting Manu with dividing ordeals into five kinds and giving his view about poison ordeal have no corresponding passage in the extant Manu. Therefore, Nārada had a version of Manu before him that was somewhat different in certain respects from our Manu or Nārada may be referring to Vṛddha or Br̥hat Manu. Besides this, there is one remarkable fact to be noted about the relation of Manu and Nārada. There are about 50 verses that are common to Manu and Nārada. Manu 8. 12-14 and 18-19 are Nārada ( sabhā, verses 8-10 and 12-13 in a different order ), Manu 8. 140-141 = N. ( ṛṇādāna 99-100 ), Manu 8. 148-149 = N. ( ṛṇādāna 80-81 ), M. 8. 143 = N. ( ṛṇ. 129, M. 8. 64 = N. ( ṛ. 177 ), M. 8. 72 = N. ( ṛ. 189 ), M. 8. 93 and 113 = N. ( ṛ. 199, 201 ), M. 98-99 = N. ( ṛ. 208, 209 and Udyogaparva 35. 33-34 ), M. 8. 89 = N. ( ṛ. 225 ), M. 8. 186-187, 189 191 = N. ( upanidhi 10-13 ), M. 8. 232-233, 235 = N. ( vetanasya-anapākarma 14-16 in a different order ), M. 9. 47 = N. ( marital relation, verse 28 ), M. 8. 224-225 = N. ( marital-relation, 33-34 ), M. 9. 357-353 = N. ( marital relation, 65-66 in reverse order ), M. 9.3 = N. ( dāyabhāga 31 ), M. 9. 216 = N. ( dāyabhāga 44 ), M. 8. 267-269 = N. ( vākpārusya 15-17 ), M. 9. 270-272 = N. ( vākpārusya 22-24 ), M. 8. 281-284 = N. ( daṇḍa-pārusya ( 26-29 ), M. 4. 87 = N. ( prakīṛṇaka 44 ).

Nārada, ṛṇādāna 158, 'śrotriyās-tāpasā vṛddhā ye ca pravrajitā narāḥ | asākṣinas-te vacanān nātra heturudāhṛtaḥ' has probably Manu 8.65 in view where we read 'na sākṣi...na śrotriyo na līngastho na saṅgebhya vinirgataḥ'.

Besides these, there are several cases where Nārada closely agrees with Manu though the verses are not identical, e. g. Nārada ( sāhasa 19 ) may be compared with Manu 9. 271 and Nārada ( appendix on theft, verses 1-4 ) may be compared with Manu ( 9. 256-260 ). These facts establish that Nārada is based on a version of Manu that was essentially the same as the extant text of Manu, though there was some difference here and there. Nārada contains several verses that occur in the Mahābhārata. For example, Śānti III. 66 = N. ( vyavahāra-mātrkā 72 ),<sup>511</sup> Udyoga 35.58 = N. ( sabhā, verse 18 ), Udyoga

511 तलवद् दृश्यते व्योम खद्योतो हव्यवाडिव । न तलं विद्यते व्योम्नि  
हुताशनः ॥



35.31-32 = N. (r. 202-203). The well-known verse of the Mahābhārata on the greatness of speaking the truth (Śānti, 162.26) occurs in Nārada, verse 211 on p. 104 (SBE Vol. 33 p. 93). There are several cases where the text of Kauṭilya agrees with Nārada.<sup>512</sup> In some of these cases the agreement is almost word for word.<sup>513</sup> A half verse on poison-ordeal (viz. 'Tvam viṣa...vyavasthitaḥ') is the same in both Yāj. II. 110 and Nārada IV. 325 p. 124 (SBE. vol. 33 pp. 115-116).

Though Nārada is based on Manu, he differs in several essential matters from Manu. We have seen the difference between them in the nomenclature of the titles of law. Manu only casually mentions the ordeals of fire and water (8.114), while Nārada enumerates five kinds of ordeals, describes them at length and adds two more viz. *tanḍula-bhakṣaṇa* and *taptamāṣa* (ṛṇādāna, verses 259-348). He allows *Niyoga* (marital relation, verses 80-88), while Manu strongly condemns it. He allows remarriage of women (Nārada, marital relation, 97), while Manu is against it. Manu mentions seven kinds of slaves (8.415), while Nārada raises their number to fifteen (*abhyupetyāśuśrūṣā*, verses 26-28); Manu condemns gambling outright (9, 221-228), while Nārada allows it under state control and as a source of revenue; Nārada is further far more systematic than Manu and is full of divisions and sub-divisions; for example, he divides property into three kinds, each of which is again subdivided into seven varieties (ṛṇādāna 44-47); Nārada divides the law of gifts into four sections, which are further subdivided into 32; he subdivides the eighteen titles into 132 (*vyavahāra-mātrkā* I. 25).

There are a few points which are almost peculiar to Nārada such as the fourteen kinds of impotent persons (*strī-puṃsayoga* 11-13), the three kinds of *punarbhūṣ* and four kinds of *svairiṇīs* (ibid. verses 45-52).

512 Compare कौटिल्य, धर्मस्थीय, chap. I, verses at the end with नारद, व्यवहारमातृका 1st chap., verses 2, 10-11, 39-40.

513 धर्मश्च व्यवहारश्च चरित्रं राजशासनम् । चतुष्पाद् व्यवहारोयमुत्तरः पूर्वबाधकः॥ तत्र सत्ये स्थितो धर्मो व्यवहारस्तु साक्षिषु । चरित्रं पुस्तकरणे राजाज्ञाय शासनम् ॥ नारद, व्यवहारमातृका I. 10-11; the first half in each verse is the same in कौटिल्य.



Nārada is probably later than Yājñavalkya. Yāj. mentions only five kinds of ordeals, while Nārada knows seven and the former's treatment of them is not so exhaustive as Nārada's. The rules of judicial procedure in Nārada are more systematic and exhaustive than those of Yāj. Nārada is more conservative than Yāj. For example, Nārada nowhere recognises the right of the widow to succeed to her deceased husband. Nārada cites more definitions than Yāj. In some respects, however, Nārada is more reticent than Yāj.; Nārada gives no rules about the succession of *gotrajas* and *bandhus* as Yāj. does. In a few respects Nārada agrees with the views of Manu instead of with Yāj., such as allowing a brāhmaṇa to marry a śūdra woman. Nārada regards sexual intercourse with a pravrajitā (female ascetic) as a mortal sin (*stripuṃsayoga* 74-75), while both Manu (8. 363) and Yāj. (II. 293) treat it lightly. Taking all these things into consideration it may be said that Nārada flourished nearly at the same time as or somewhat later than Yāj.

It may be noted that in an Inscription from Campā dated about śake 1092 (i. e. 1170 A. D.) a king is described as 'versed in all the Dharmaśāstras, notably the Nāradiya and Bhārgaviya'; vide Dr. R. C. Majumdar's 'Ancient Indian Colonies', vol. I at end p. 199 No. 81.

Nārada contains several rare words such as "hoḍha" (in *vyavahāramātrkā* I.27, meaning 'one's property when lost or stolen'). He gives expression to certain principles of law and politics, such as that a man is master of his own house, in other words, a man's house is his castle;<sup>514</sup> he highly eulogises the office of the king, almost assigning it a divine origin and exhorts the people to obey and honour even a weak and undeserving king.<sup>515</sup> Mr. Jayasval sees in this and in the fact that Nārada speaks of *dināra* while the *Mṛcchakaṭika* speaks of *nāṇaka* indications that Nārada belongs to the fourth century, is later than the drama, is propping up the authority

514 त्रयः स्वतन्त्रा लोकेस्मिन् राजाचार्यस्तथैव च । प्रतिवर्णं च सर्वेषां वर्णानां स्वे गृहे गृही ॥ ऋणादान 32. This idea occurs in शान्तिपर्व 321. 147 'सर्वः स्वं स्वे गृही राजा'.

515 Vide प्रकीर्णक verses 20-22 राजेति संचरत्येष भूमौ साक्षात् सर्वसद्वृत्तं तस्याज्ञामतिक्रम्य संतिष्ठेरन् प्रजाः क्वचित् ॥...निर्बलोपि यथा स्त्रीणां पूज्य एव पतिः सदा । प्रजानां विगुणोप्येवं पूज्य एव प्रजापतिः ॥





of a new dynasty and flourished under the Imperial Guptas (C. W. N. vol. 17, p. CCLXXXV). He regards a person as minor till the sixteenth year.<sup>516</sup> This limit was probably first fixed by Nārada. Nārada further boldly says that in case of conflict between *dharmasāstra* and usages, the latter have to be followed, as they are directly observed.<sup>517</sup>

As Nārada's is regarded as an authoritative smṛti by Viśvarūpa, Medhātithi and other later writers and as Asahāya, who is mentioned by name in the commentary of Viśvarūpa, wrote a comment on Nārada, the Nārada-smṛti must be older by some centuries than the 8th century, the latest date to which Asahāya can be assigned. Bāṇa in his Kādambarī compares the royal palace to Nāradiya.<sup>518</sup> Ordinarily Nāradiya standing by itself would denote the Nārada-purāṇa (compare Viṣṇu-purāṇa 3.6. 21 where we have the form Nāradiya for the purāṇa). The Nārada-purāṇa (Venkatesvara Press edition, Bombay) contains, however, no treatment of rājadharmā. Bāṇa may have intended a violent pun, meaning 'the palace where the duties of kings were being expounded (āvarṇyamāna), like the Nāradiya in which rājadharmā has not been set forth (avarṇyamāna).' European scholars like Dr. Jolly and Bühler hold that Bāṇa refers to the extant Nārada-smṛti. But on this explanation also the difficulty is not entirely got over. The extant Nārada can hardly be described as a treatise on rājadharmā. It deals only in an indirect way with one aspect of the king's duties and is rather concerned with vya-vahāra and the duties of the subjects towards each other from the strictly legal point of view. If we turn to the Mahābhārata and other works, we shall find that rājadharmā meant something different from what is treated of in the Nārada-smṛti. Therefore Bāṇa's reference to the Nāradiya is of a doubtful character. The Rājanīti-ratnākara of Caṇḍeśvara frequently quotes Nārada on politics (pp. 3, 13, 79). These quotations are not traced in the printed Nārada. Therefore it is highly probable that Bāṇa refers to a distinct work of Nārada on politics which has not yet been recovered.

516 बाल आ षोडशद् वर्षात् पोगण्ड इति शस्यते । परतो व्यवहारज्ञः स्वतन्त्रः पितरौ विना ॥ ऋणादान 35-36.

517 धर्मशास्त्रविरोधे तु युक्तियुक्तो विधिः स्मृतः । व्यवहारो हि बलवान्धर्मस्तेन हीयते ॥ व्यवहारमातृका 40.

518 'नारदीयमिवावर्यमानराजधर्मम्' (राजकुलं) p. 91 of Peterson's ed.





From the Rājanītiratnākara of Caṇḍeśvara published for the BORS of Patna ( 1924 ) by Mr. K. P. Jayaswal it appears that Caṇḍeśvara knew a work of Nārada on Rājadharmā. On p. 3<sup>519</sup> of that work Nārada on Rājanīti is cited for dilating upon three grades of rulers viz. Samrāt ( an emperor to whom other kings pay tribute ) also called 'cakravartin' and 'Sakara' and 'akara' rulers. On p. 75 Caṇḍeśvara quotes the words of Hārīta and Nārada to the effect that a king should transmit his kingdom to the eldest son after providing for the maintenance of other sons if he has several sons. The Vṛddha Hārīta-smṛti<sup>520</sup> in the Anandaśrama collection of Smṛtis (1905 A. D. ) says that Kātyāyana, Manu, Yājñavalkya and Nārada described at length the *rājadharmas* which he himself dealt with.

The Vyavahāramātrkā of Jimūtavāhana and the Parāśara-Mādhaviya ( vol. III, part I, p. 203 ) quote a verse from Nārada, the latter half of which is the same as the latter half of a verse in the Vikramorvaśiya.<sup>521</sup> The doctrine attributed to Nārada is found in Yāj. ( II. 20 ) and the Viṣṇudharma-sūtra ( 6. 22 ) but not in the same words. Unfortunately the date of Kālidāsa is far from being universally accepted, but the fourth or first half of the 5th century is often accepted as the probable date. There is further difficulty in the fact that the text of the Vikramorvaśiya has been largely tampered with. If the verse is a genuine part of the drama, it seems natural to suppose that Kālidāsa turns a well-known legal maxim to a somewhat humorous use. It is hard to suppose

519 राजा त्रिविधः सम्राट् सकरोऽकरश्च । तदाह नीतौ नारदः । p. 3 of राजनीति-  
रत्नाकर; p. 75 यदा राजा जरायुक्तो.... सप्ताङ्गानि च राज्यानि ज्येष्ठपुत्राय  
दापयेत् ॥ दापयेत् दद्यात् । विधाय वृत्तिं व्यहूनां राज्यं ज्येष्ठाय दापयेत्-इति  
राजनीतौ हारीतनारदवचनेभ्य; । p. 79 : राजनीतौ नारदः । ज्येष्ठो नरक-  
निस्तारो लोकपूज्यतमः स्मृतः । ज्येष्ठो रत्नाकरः प्रोक्तो राज्याहो ज्येष्ठ  
एव हि ॥

520 राजधर्मोऽयमित्येवं प्रसङ्गात्कथितो मया । कात्यायनेन मनुना याज्ञवल्क्येन  
धीमता । नारदेन च संप्रोक्तं विस्तरादिदमेव हि ॥ बृद्धहारीत VII. 270-71.

521 अनेकार्थाभियुक्तेन सर्वद्रव्यापलापिना । विभावितैकदेशेन देयं यदभियुज्यते ॥  
अपरार्क ( on याज्ञ. II. 20 ); व्यवहारमातृका of जी० pp. 317-11; हंस  
प्रयच्छ मे कान्तां गतिरस्यास्त्वया हता । विभावितै...युज्यते ॥ विक्रमोर्वशीय  
IV. 17 ( Pandit's ed ).



that Nārada would borrow the words of a dramatist for setting forth a legal maxim. This would push back the date of Nārada far beyond the 5th century. Nārada in two places uses the word "dīnāra,"<sup>522</sup> once in the sense of a golden ornament and again as a coin or unit of value also called "suvarṇa." In this last case he says that "dīnāra is equal to 48 kārṣāpanas or twelve dhānakas." Jolly (R. u. S. p. 23) thinks that Indian *dīnāras* can scarcely be older than the 2nd century A. D., although in the times of the Indo-Scythian kings coins of the weight of dīnāra occur. Therefore Jolly is of opinion that Nārada is later than 300 A. D. Winternitz (History of Indian Literature, vol. II. p. 216 n. 4) follows him in this assumption that all Sanskrit works in which the word *dīnāra* occurs must be later than the 2nd or 3rd century A. D. It may be that the golden dīnāras most numerous found in India belong to the 2nd and 3rd centuries A. D. But as Keith points out (J. R. A. S. 1915 p. 504) Jolly's assumption is wrong and the introduction of *dīnāras* into India need not be later than the beginning of the Christian era. Golden *dīnāras* were first coined in Rome in 207 B. C. and the oldest Indian pieces corresponding in weight to the Roman Denarius were struck by Indo-Scythian kings who reigned from the first century B. C. (W. B. p. 44). Therefore there is nothing to prevent us from holding that Nārada flourished in the first centuries of the Christian era, i. e. between 100 and 300 A. D. Mr. Jayasval assigns him to the 4th century A. D. and after the Mṛcchakatika. Most scholars would not be prepared to assign to the Mṛcchakatika so early a date as the 3rd century A. D. Besides Mr. Jayasval builds his theory on very slender foundations. Because the drama employs the word *nāṇaka* and Nārada speaks of dīnāra only, no chronological conclusion as to the priority of the one to the other can be drawn. After both words became current in the language, one author, though later, may employ one word, while another, though earlier, may employ the other.

While the first volume was in the Press, an edition of the Nāradiya Manu-saṁhitā with the bhāṣya of Bhavasvāmin

522 मणयः पद्मरागाद्या दीनारादि हिरण्यम् । मुक्ताविदुमशङ्खाद्याः प्रदुष्टाः स्वामि-  
गामिनः ॥ नारद, व्यवहारमातृका II. 34; कार्षापणोण्डिका गेया ताश्चैव  
धानकः । तद्द्वादश सुवर्णस्तु दीनाराख्यः स एव च ॥ परिशिष्ट verse 60.



was published in 1929 in the Trivandrum Sanskrit Series, edited by K. Sambasiva Sastri (based on four Mss). The work claims to be a version of the Manusmṛti by Nārada. Prof. T. R. Chintamani contributed a lengthy paper on this version of the Nāradaśmṛti to the Kunhan Raja Presentation volume, published by the Adyar Library, Madras (in 1946) pp. 153-196. He points out that the main differences between the longer and shorter versions of Nārada published by Prof. Jolly are these: the shorter text omits the section on thefts, does not cite the verses on ordeals in a separate chapter and omits the chapter on legal procedure. The longer version has 1028 verses including an appendix on thefts (of 61 verses). The shorter version has 870 verses and the text on which Bhavasvāmin comments has 877½ verses. The edition with Bhavasvāmibhāṣya has at the end a chapter on five ordeals dealt with in 46½ verses (the five being Dhaṭa, Agni, Udaka, Viṣa and Kośa). There are many variations between the Smṛti as published by Dr. Jolly and that published with Bhavasvāmin's bhāṣya. On pp. 159-193 Prof. Chintamani sets out the numerous (nearly a thousand) differences (small and also large) in the Smṛti as published by Dr. Jolly and as found in the Nāradiya Manusamhitā. And on pp. 193-196 Prof. Chintamani prints the text of the 2nd Appendix (on five ordeals with 46 verses) in the Nepalese Ms held to be spurious by Jolly and contained in the version of Bhavasvāmin after the section called Prakīṛṇaka.

The editor of Bhavasvāmin's bhāṣya surmises (on p. 4 of his English Introduction) from the fact that all the Mss. of the bhāṣya were found only in the Kerala country and the fact that many of the brāhmaṇas that officiate as sacrificial priests in central Kerala bear the name Bhavasvāmin, that the bhāṣyakāra of Nārada was a brāhmaṇa from Kerala. North India suffered greatly from the ravages of foreign invasions from the early centuries of the Christian era onwards by Hūṇas and others for several centuries, while South India was much better off during those centuries. Therefore the Mss. of the works of comparatively early writers of the North are often not found in North India but only in South India (Bhāmaha's work on Poetics being a well-known instance).



and copper. In the 'Indische studien', vol. XVIII pp. 289-412 a ms. of Lokaprakāśa of Kṣemendra ( latter half of 11th century A.D. ) is discussed in which the word *dīnāra* is frequently used ( e. g. on pp. 339, 391 ) and we have a formula forwarding a ' *dīnāra-huṇḍikā* ' ( on p. 342 ). *Huṇḍikā* stands for ' *Huṇḍī* ' used by travellers.

The time when Bhavasvāmin flourished is not free from doubt. Prof. Chintamani concludes ( on p. 157 of Kunhan Raja volume ) that Bhavasvāmin flourished in the early centuries of the Christian era. I demur to this conclusion which is based mainly on Dr. Altekar's view quoted in a note on p. 157 that ' it is very unlikely that gold *dīnāras* were in circulation after 600 A. D. in the Mathurā and Kanoj area. ' But it is clear that in the 11th century gold coins called *Dīnāras* were current in Kashmir and if Bhavasvāmin was a Kashmirian or had travelled and stayed there for some time he would easily have known them and referred to them. Therefore, Dr. Altekar's opinion about Bhavasvāmin's date is worth little.

Bhavasvāmin refers several times to other explanations of Nārada's verses with the words ' *anya āha* ' as on ' *ṛṇādāna* ' v. 195, ' *Strīpumsayoga* ' v. 30, *Dāyavibhāga* verses 13, 14, *prakīrṇaka* v. 80. He refers here and there to different readings in Nārada as on *Ṛṇādāna* verses 67, 153, *Vikriyāsampradāna*, verse 12, *Strīpumsayoga*, verses 2, 3, 15, 16, 29, 83. He quotes about two dozen verses of Manu. His commentary explains the words of Nārada's verses, is generally concise, and makes no show of learning. He cites a few sūtras of Pāṇini a few passages as Śruti ( as on *ṛṇādāna* 53, 97 ). It is remarkable that he cites ( on *ṛṇādāna* 190 ) ' *nāputrasya lokostīti* ' as Smṛti, which is really Ait. Br. ( VII. 3 ). He quotes Vas. Dharmaśūtra on *ṛṇādāna* verse 94 and on *Vāg-Daṇḍapārusya* verse 20. It is noteworthy that he speaks of the present Manusmṛti as *Bhṛgu-Saṁhitā*<sup>525</sup> or *Bhārgavī-*

525 उग्रात्तु जातः क्षत्तायां...वेन उच्यते ॥ इति भार्गव्यां संहितायां विस्तर उक्त-  
स्त एव द्रष्टव्यः । on स्त्रीपुंसयोः III. 7. This is Manu X. 19 ; भृगुसंहिता-  
यामपि-काणं वाच्यथवा खज्जमन्यं यापीत्यनन्तरं वाक्पाठ्यप्रकरणे पठितं  
केयाचिन्नास्त्येव । ; काणं० is मनु VIII. 274. It may be noted that the  
extant Manusmṛti declares that Bhṛgu learnt the śāstra from Manu  
and taught it to the sages,



samhitā; for example, on Stripuṁsayoga verse 111 he quotes Manu X. 19 as Bhārgavī-samhitā and on Manu VIII. 274 as Bhṛgusamhitā on 'Vāgdaṇḍapāruṣya' v. 20. He quotes Vālmiki and Vyāsa on Rṇādāna<sup>526</sup> verse 32. He quotes a Śārdūlavikrīḍita verse on 'krodha' (anger) and a verse on 'unmāda' (delirium, or madness) due to five causes on Dattāpradānika 8-10. On Rṇādāna verse 31 he quotes an āryā on the importance of Gaṇita. On 'Rṇādāna verse 72 Bhavasvāmin quotes a verse of Vararuci explaining the meaning of the words 'pogaṇḍa, kuṇi' and 'paṅgu'.<sup>527</sup>

As in Bhavasvāmin's day various readings had already arisen in the Nārada-smṛti and as he refers several times to the explanations of previous commentators, Bhavasvāmin would have to be placed (conjecturally) some centuries after Nārada i. e. between 700 and 1000 A. D.

The late Prof. Rangaswami Aiyangar in his Introduction to Bṛhaspati assigns Bhavasvāmin to the 8th century A. D. and in the footnote 4 on that page he asserts 'Bhavasvāmin, like Mādhavasvāmin and Skandasvāmin, belongs to a period long anterior to Viśvarūpa (circa A. D. 800) and refers in support to Journal of Oriental Research V. 325'. The reference to the journal appears to be wrong.

It may be noted that Viśvarūpa quotes hardly any verses of Nārada on two epics not pertaining to Vyavahāra except one verse on Yāj. I. 34 where he speaks of three kinds of 'ṛtviks'. But the same cannot be said about the Mitākṣarā. A few verses not strictly related to Vyavahāra topics are mentioned by it as occurring in Nārada's work. For example, on Yāj. III. 39 the Mit. quotes a verse of Nārada that allows a brāhmaṇa to sell sesame in exchange of food-grains for securing medicine when he is ill or for the purpose of a Yajña. This occurs in the section on Rṇādāna (66). Aparārka also quotes this verse (p. 933). Probably it was part of the king's duty to remind a brāhmaṇa of the restrictions laid down on him by śāstra. Aparārka (p. 29)

526 कल्पच्छन्दोविचितिग्रहचारपुराणवास्तुविद्यासु । सम्यङ् नयन्ति सिद्धिं गणिता-  
मृते लोकयात्रायाः ॥ on ऋणादान V. 32.

527 वररुचिनाप्युक्तम् । शरीरपाणिचरणैर्निसर्गेण शरीरिणः । विकलाः सद्भिर्नयन्ति  
पोगण्ड-कुणि-पङ्गवः ॥ इति । on ऋणादान 72. वररुचि here seems to be  
a lexicographer.



cites  $2\frac{1}{2}$  verses on the actions that are comprehended under *iṣṭa* and *pūrta*. But the *Smṛticandrikā* quotes from *Nārada* at least 50 verses on *āhnikā* and at least 16 on *śrāddha-kāṇḍa*, one of which refers to Sunday and *Śaṅkrānti* and on the selection of *Ekādaśī* for a fast when joined to the 10th or 12th *tithi*.

It is likely that non-Vyavahāra topics came to be added as *Nārada*'s a century or two before 1000 A. D., since the *Smṛticandrikā* (1150-1225) A. D. contains numerous verses of *Nārada* on non-Vyavahāra matters.<sup>528</sup>

It is difficult to say anything as to the home of *Nārada*. In the appendix on theft *Nārada* in one place says that in the south a silver *kārṣāpaṇa* is current, that in the east it is equal to twenty *paṇas* and that he does not follow the standard of *kārṣāpaṇa* current in the land of the five rivers.<sup>529</sup> From these data and from the fact that the oldest mss. of *Nārada* come from Nepal and that an old commentary on *Nārada* in *Newārī* was composed in Nepal, Dr. Jolly conjectures that *Nārada*'s home was to be sought in Nepal. This is all pure guess-work. There is no reason why *Nārada* could not have hailed from Central India. The places where the oldest and best mss. of a work are found can hardly ever be indications of the original home of an ancient author. *Bhāmaha* is by common consent a Kashmirian writer on Poetics, but most of the mss. of his work so far found come from Southern India.

Prof. D. R. Bhandarkar (Carmichael Lectures 1918, p. 90), probably following the *Nayacandrikā*, hazards the conjecture that the writer called *Pisuna* cited in the *Kauṭīliya* is another name of *Nārada*. Beyond the bare fact that *Nārada* is often credited in the *Purāṇas* with the role of instigating feuds and quarrels and that the word *pisuna* means "wicked, back-biter", there is nothing to support this identification.

A *Jyotir-Nārada* is quoted by *Bhaṭṭoji* in his commentary on the *Caturvīṃśatimata* (p. 11). A *Brāhan-Nārada* is quoted

528 भानुवारसमेतेन तथा संक्रान्तिसंयुता । एकादशी सदोपोष्या पुत्रपौत्रप्रवर्धनी ॥  
स्मृतिचन्द्रिका ( श्राद्धकाण्ड p. 354 ).

529 कार्षापणो दक्षिणस्यां दिशि रौप्यः प्रवर्तते । पणैर्निबद्धः पूर्वस्यां विंशतिस्तु पणैः  
स तु ॥... पाश्चनयाः प्रदेशे तु संज्ञा या व्यावहारिकी । कार्षापणप्रमाणं तु  
निबद्धमिह नैतया ॥ चौर्यप्रतिषेधप्रकरण 57 and 59.



by Raghunandana and a Laghu-Nārada by the Nirṇaya-sindhu and the Samskāra-Kaustubha.

In the Mahābhārata several opinions are attributed to Nārada. One of them condemns the eating of flesh.<sup>530</sup> The first half of the last verse is the same as Manu 5.52. Nārada is credited with having divided utpātas (portents) into three varieties.<sup>531</sup> Nārada is said to have held the view that one must always be active.<sup>532</sup> It appears that all these views are taken from some work or works from Nārada. The first is probably taken from Nārada's version of the Manusmṛti of which the Purāṇas speak as stated above (note 270).

The Introductory prose passages of the Nāradasmṛti (I. 1-5) are interesting and are therefore set out in the note below.<sup>533</sup>

For Asahāya, the commentator of Nārada, vide section 59 below.

530 स्वमांसं परमासेन यो वर्धयितुमिच्छति । नारदः प्राह धर्मात्मा नियतं सोऽवसीदति ॥ अनुशासन 115. 14.

531 उत्पातस्त्रिविधान् प्राह नारदो भगवानृषिः । दिव्यांश्चैवान्तरिक्षांश्च पार्थिवांश्च पितामहः ॥ सभा 46. 8-9.

532 तस्मात्कर्मैव कर्तव्यमिति होवाच नारदः । उद्योगपर्व 49.

533 इह हि भगवान्मनुः प्रथमं सर्वभूतानुग्रहार्थमाचारस्थितिहेतुभूतं शास्त्रं चकार । यत्र लोकसृष्टिः भूतप्रतिविभागः 'सद्देशप्रमाणं पर्वलक्षणं' वेदवेदाङ्गयज्ञविधानमाचारो व्यवहारः कण्टकशोधनं राजवृत्तं वर्णाश्रमविभागौ विवाह्न्यायः स्त्री-पुंसविकल्पो दायानुकमः श्राद्धविधानं शौचाचारविकल्पो भक्ष्याभक्ष्यलक्षणं विक्रयाविक्रयमीमांसा पातकभेदाः । स्वर्गनरकानुदर्शनं प्रायश्चित्तान्युपनिषदो रहस्यस्थानानि । एवं चतुर्विंशतिप्रकरणानि ॥ १ ॥

तदेतदत्र श्लोकशतसहस्रेण साशीतिनाध्यायसहस्रेण च भगवान् मनुरुपनिबध्य देवर्षये नारदाय प्रायच्छत् । स च तस्मादधीत्य महत्वान्नायं ग्रन्थः सुकरो मनुष्यैरेव धारयितुमिति द्वादशभिः सहस्रैः संक्षिप्यतं च महर्षये मार्कण्डेयाय प्रायच्छत् ॥ २ ॥

स च तस्मादधीत्य तथैवायुः शक्तिमपेक्ष्य मनुष्याणामष्टभिः सहस्रैः संक्षिप्य । तं सुमत्ये भार्गवाय प्रायच्छत् ॥ ३ ॥

सुमतिरपि भार्गवस्तस्मादधीत्य तथैवायुर्ह्रासादल्पयिषी शक्तिर्मनुष्याणामिति चतुर्भिः सहस्रैः । संक्षिप्य ॥ ४ ॥

तदेतत्पितृमनुष्या ह्यधीयन्ते विस्तरेण शतसहस्रं देवगन्धर्वादयः । तत्रायमाद्यं श्लोकः । आसीदिदं तमोभूतं न प्राज्ञायत किंचन । ततः स्वयम्भूर्भगवान्प्रादुरासीच्चतुर्मुखः ॥





### 37. Br̥haspati

Br̥haspati as a sūtra writer on politics has been dealt with above (section 26). In this section Br̥haspati the jurist will be spoken of. The complete smṛti of Br̥haspati on law has not yet been discovered. It will be, when discovered, a very precious monument of ancient India, exhibiting the high-water mark of Indian acumen in strictly legal principles and definitions. Dr. Führer collected together 84 verses ascribed to Br̥haspati in the legal treatises of Aparārka and others with German translation and notes (Leipzig, 1879) and Dr. Jolly collected about 711 verses of Br̥haspati on law and translated them in the Sacred Books of the East (vol. 33).

Yāj. (I. 4-5) enumerates Br̥haspati among the writers on dharma, but he is probably referring to Br̥haspati's work on politics. The com. on the Nītivākyamṛta (p. 7) quotes the first verse of Br̥haspati's Nītiśāstra.

We saw above how Br̥haspati closely follows the extant Manusmṛti, how he pointedly refers to the text of Manu (notes 345-349) and therefore might by analogy be styled a vārtikakāra of Manu. In many places Br̥haspati explains and illustrates the laconic treatment of Manu. Manu (8.153) speaks of four varieties of interest (Cakra, Kāla, Kārīta, and Kāyika), but does not explain these terms. Br̥haspati explains them clearly.<sup>534</sup> Manu (8.49) enumerates five modes of recovering a debt (dharma, vyavahāra, chala, ācarita, bala) but leaves them unexplained; Br̥haspati devotes several verses to the explanation of these terms (vide Kullūka on Manu 8.49). Br̥haspati gives elaborate rules regarding partnership. Br̥haspati enumerates nine ordeals (of fire, water, poison, balance, kośa, taptamāṣa, taṇḍulas, dharmādharmā, phāla); while Manu barely alludes to two. Manu devotes only three verses to samvidvyatikrama (8.219-221), but Br̥haspati must have devoted at least a score of verses to this topic, as Aparārka alone quotes 17 verses of Br̥haspati on this title.

The order in which the topics of law appeared in Br̥haspati can be settled with tolerable certainty from the quotations in Aparārka, Vivādaratnākara, Viramītrodaya and other works.

534 Vide कुल्लूक on मनु 8.153 : तासां स्वरूपमाह बृहस्पतिः । कायिके काय-  
संयुक्ता मासग्राह्या च कालिका । वृद्धेर्बुद्धिश्चक्रवृद्धिः कारिता ऋणिना कृता



It was as follows:—the four stages of a law-suit, proof (kriyā, human of three sorts and divine), witnesses (of 12 kinds), documents (ten kinds), bhukti (possession), ordeals (nine), 18 titles, ṛṇādāna, nikṣepa, asvāmivikraya, sambhūya-samutthāna, dattāpradānika, abhyupetyā-śuśrūṣā, vetanasya-anapākarma, svāmipālavivāda, samvid-vyatikrama, vikriyā-sampradāna, sīmāvivāda, pārūṣya (of two kinds), sāhasa (of three kinds), strīsamgrahaṇa, strīpumdharmā, vibhāga, dyūta-samāhvaya, prakīrṇaka (otherwise called 'nṛpāśraya vyavahāra', wrongs for which proceedings are set on foot by the king).

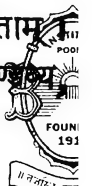
Bṛhaspati was probably the first jurist to make a clear distinction between civil and criminal justice.<sup>535</sup> He divided the eighteen titles into two groups, those springing from wealth (14 titles) and those springing from injury to beings (4 titles). This distinction was probably dimly perceived by even Gautama, when he says that in disputes based on injury there is no hard and fast rule about witnesses (i. e. about their interest in the subject of dispute).<sup>536</sup> Bṛhaspati, like Nārada lays down the rule that a legal decision should not be arrived at merely on the basis of śāstra and that when a decision is devoid of reasoning, there is loss of dharma, for even a good man may be held to be a bad one or what is good may be held to be sinful in a judicial proceeding, just as Māṇḍavya was held to be a thief on a decision without thoughtful reasoning.<sup>537</sup>

535 तदाह बृहस्पतिः । द्विपदो व्यवहारश्च धनहिंसासमुद्भवः । द्विसप्तधार्थमूलश्च हिंसा-  
मूलश्चतुर्विधः ॥ व्यवहारमातृका of जीमूत० p. 277 ; vide also स्मृतिच०  
( व्य. p. 9 ) ' पारुष्ये द्वे वधश्चैव परस्त्रीसंग्रहस्तथा । हिंसोद्भवानि चत्वारि  
पदान्याह बृहस्पतिः '.

536 न पीडाकृते निबन्धः । गौ. ध. सू. 13.9 on which हरदत्त says ' पीडाकरणे  
हिंसाविषये । साक्षिणां निबन्धो न निरूप्यः । अर्थसंबन्धादि न किञ्चिदपि दूषणं  
भवति. । '

537 केवलं शास्त्रमाश्रित्य न कर्तव्यो हि निर्णयः । युक्तिहीने विचारे तु धर्महानिः  
प्रजायते ॥ चौरोऽचौरो साध्वसाधु जायेत व्यवहारतः । युक्तिं विना विचारेण  
माण्डव्यश्चौरतां गतः ॥ quoted by अपरार्क on याज्ञ. II. 1 ; compare नारद  
( व्यवहारमातृका chap. 1. 42 ) : यात्यचौरोपि चौरत्वं चौरश्चायात्यचौरताम्  
अचौरश्चौरतां प्राप्तो माण्डव्यो व्यवहारतः ॥ For the story of माण्डव्य  
who kept silent, vide Ādiparva 107.

( Continued on the next page )



Br̥haspati gives such elaborate definitions and rules about procedure from the filing of the plaint to the passing of the decree that he can very well stand comparison with modern legislators on the same subjects.

Nārada and Br̥haspati agree very closely in several respects. For example, both speak of three kinds of proof, four parts of a judicial proceeding, almost the same defects of plaints, four kinds of answer, four divisions of the law of gift and their sub-divisions, five modes of recovering debts, four kinds of sāhasa.

We have seen that Nārada departs from Manu in several essential matters. On the other hand Br̥haspati follows Manu very closely. But he too differs on some points from Manu, for example, we saw above how Br̥haspati dissents from Manu on the question of the divisibility of clothes &c. (note 348). He appears to differ from Manu as to the maximum interest allowed on corn, fruit, wool and beasts of burden.<sup>538</sup> Manu and Nārada are both silent as to the widow's right to succeed to her deceased husband's estate. But Br̥haspati agreeing with Yājñavalkya makes her the first heir of her sonless

( Continued from the previous page )

The story of Māṇḍavya occurs also in Ādiparva 63. 92-93 and is also mentioned in the Arthaśāstra of Kauṭilya, IV. 8. 12. The story in the epic differs from that stated in Arthaśāstra which says:

दृश्यते ह्यचोरोपि चोरमार्गे यदृच्छया संनिपाते चोरवेषशस्त्रभाण्डसामान्येन  
गृह्यमाणः चोरभाण्डस्थोपवासेन वा, यथाणिभाण्डव्यः कर्मक्लेशभयादचोरः

‘चोरोस्मि’ इति ब्रुवाणः । In the epic, there is no mention of the fear of torture as in the Kauṭilya. ‘Ani’ means ‘śulāgra’. The Ādiparva ( 63. 92 ) has शूले प्रोतः पुराणर्षिरचौरश्चौरशङ्कया । अणीभाण्डव्य इत्येवं

विख्यातः स महायशाः ॥ . Ādiparva 107 gives further details. Thieves kept booty in his dwelling and concealed themselves. The king's officers asked him what way the thieves went. Māṇḍavya remained silent and the king's officers found out the thieves and the booty. So the officers reported the thieves and the sage and the king ordered that all be killed and so Māṇḍavya was impaled. The story of Māṇḍavya is again referred to in Anuśāsanaparva 18. 46-50.

538 हिरण्ये द्विगुणा वृद्धिस्त्रिगुणा वस्त्रकुप्यके । धान्ये चतुर्गुणा प्रोक्ता शिचिदि शिचिदि  
च ॥ बृहस्पति quoted by अपरार्क on याज्ञ. II. 39 : compare मनु 8. 151.



husband.<sup>539</sup> Br. says 'those who say that clothes and the like are not liable to partition have not bestowed proper thought (on that matter), as rich people might, have wealth largely consisting of clothes and ornaments. This is really a criticism of the Manusmṛti but out of deference for Manu, the reference is impersonal. Aparārka p. 726 (five verses) explains from Brhaspati how to partition these.

These considerations make it clear that Brhaspati is certainly later than Manu and Yāj. It is difficult to state his exact relationship to Nārada. He agrees more closely with Manu than Nārada does, but in some respects such as definitions and the rights of women he shows great advance over Nārada. So he is probably a contemporary of or not much later than Nārada. He employs the word *nāṇaka*.<sup>540</sup> He defines a *dīnāra*, also called "suvarṇa", as equal to twelve *dhānakas* and says that a *dhānaka* was equal to four *aṇḍikās*, an *aṇḍikā* being a copper paṇa weighing a *karṣa* and bearing a stamp.<sup>541</sup> This agrees with what Nārada says about *dīnāra*. Dr. Jolly (S. B. E. vol. 33 p. 276) assigns Brhaspati to the 6th or 7th century A. D. But this is much later by several centuries than the evidence warrants. Kātyāyana was looked upon as an authoritative writer along with Nārada and Brhaspati by Viśvarūpa and Medhātithi. This position he could not have attained in a century or two. So he cannot be placed later than the 6th century. Kātyāyana in several places quotes Brhaspati as an authority. Aparārka quotes Kātyāyana as saying that, according to Brhaspati, pastures, ways,

539 आम्नाये स्मृतितन्त्रे च लोकाचारे च सूरिभिः । शरीरार्थं स्मृता भार्या पुण्यापुण्य-  
फले समा ॥ यस्य नोपरता भार्या देहार्थं तस्य जीवति । जीवत्यर्धशरीरेर्यं  
कथमन्यः समाप्नुयात् ॥ सकुल्यैर्विद्यमानैस्तु पितृभ्रातृसनाभिभिः । असुतस्य  
प्रमीतस्य पत्नी तद्भागहारिणी ॥ बृहस्पति quoted by अपरार्क on याज्ञ. II. 135. The Mit. has the last verse.

540 कुलीनदक्षानलसैः प्राज्ञैर्नाणकवेदिभिः । अपरार्क on याज्ञ. II. 259; वि. र. p. 711 and वीर. p. 383.

541 Vide note 522 above. ताम्रकर्षकृता मुद्रा विज्ञेयः कार्षिकः पणः । स एव चाण्डिका प्रोक्ता ताश्चतस्रस्तु धानका ॥ ता द्वादश सुवर्णस्तु दीनाराख्यः स एव तु । बृह. quoted in स्मृतिच. p. 99, वि. र. p. 667. कात्यायन is quoted on same page by the स्मृतिच. for a similar definition.

clothes that are worn on the body, debts, ( or books for use, according to others ) and what is set apart for religious purposes should not be partitioned.<sup>542</sup> Kātyāyana says that, according to Br̥haspati, that wealth which a man acquires by means of his learning after refuting an opponent in a contest with a stake for the winner is styled “ vidyādhana ” and is not liable to partition<sup>543</sup>; and what is acquired through valour &c. by persons that were taught in the family or learnt under their father should be partitioned among the brothers, according to Br̥haspati. If a man falsely denies his liability and if only a part of the claim is brought home to him, then he should be made to pay the whole.<sup>544</sup> That the statement of a witness may be relied upon on a matter under his direct perception owing to his being near the plaintiff and the defendant and not otherwise; so says Br̥haspati.<sup>545</sup> The foregoing examples show that Kātyāyana looked upon Br̥haspati as an authority who must therefore have flourished several centuries before. Therefore Br̥haspati cannot be placed later than the 4th century A. D. As he knew the extant Manusmṛti, was later than Yāj. and probably than Nārada, Br̥haspati must have flourished between 200 and 400 A. D. This conclusion is strengthened by the fact that Viśvarūpa quotes, without making any difference, prose and verse passages of Br̥haspati and thereby shows that in his opinion the jurist Br̥haspati ( in verse ) was identical with the political writer Br̥haspati and was a very ancient writer in his day. Medhātithi ( on Manu 9. 153 ) quotes the verse “ na pratigrahabhūr ” ( ascribed to Br̥haspati by others ) as Smṛtyantara. Br̥haspati is

542 गोप्रचारश्च रथ्या च वस्त्रं यच्चाङ्गयोजितम् । प्रयोज्यं न विभज्येत धर्मार्थं च बृहस्पतिः ॥ वि. र. p. 505 and अपरार्क on याज्ञ. II. 119 and Kalpataru on Vyavahāra p. 680.

543 परं निरस्य यल्लब्धं विद्यातो द्यूतपूर्वकम् । विद्याधनं तु तद्विद्यान् विभाज्यं बृहस्पतिः ॥ quoted by अपरार्क on या. II. 119; परा. मा. III. 2. p. 559; in Kalpataru ( Vyava° ) p. 677 ‘ कुले विनीतविद्यानां भ्रातृणां पितृतोषि वा । शौर्यप्राप्तं तु यद्वित्तं ’ विभाज्यं तद्बृहस्पतिः ॥ ( कल्पतरु° p. 681 ).

544 सर्वापलापं यः कृत्वा मिथ्याल्पमपि संवेदेत् । सर्वमेव तु दाप्यं स्यादिति युक्तो बृहस्पतिः ॥ व्यवहारमातृका of जीमूत° p. 311.

545 अर्थिप्रत्यर्थिसान्निधाननुभूत तु यद्वेदेत् । तद्ग्राह्यं साक्षिणो वाक्यमन्यथाह बृहस्पतिः ॥ quoted in the व्यवहारमातृका of जीमूत° p. 312.



cited in a few cases as referring to his own views in the third person<sup>546</sup>; sometimes he uses the first person also.<sup>547</sup> Nothing can be said about his country at present. In a well-known passage Brhaspati refers to the usages of the southern people, of the people in the Madhyadeśa, of the eastern and northern people.<sup>548</sup> In a striking and beautiful passage Brhaspati compares *vyavahāra* with *yajña*,<sup>549</sup> the king with Viṣṇu, the successful party with the sacrificer and the defeated party with the victim, the plaint and the reply to food and the *pratijña* to the sacrificial offering (prepared from food), the *śāstras* to the three Vedas and the *śubhyas* to the priests in a sacrifice. Brhaspati seems to have been very fond of such long-drawn metaphors.<sup>550</sup>

The Smṛticandrikā quotes about seventy verses of Brhaspati in the Āhnikā portion and about forty on Śrāddha. In the later works like the Parāśara-Mādhaviya, the Nirṇaya-sindhu and Saṁskāra-Kaustubha, the number of verses quoted from Brhaspati is much larger than even those quoted by the Smṛticandrikā. Those verses are quoted on such saṁskāras as pūṁsavana, nāmakaraṇa, caula, upanayana, vivāha and also on āśauca and purification of *dravyas*. Even the Mitākṣarā quotes several verses of Brhaspati on matters

- 546 ताडनं बन्धनं चैव तथैव च त्रिडन्नकम् । एष दण्डो हि शूद्रस्य नार्थदण्डो बृहस्पतिः ॥ परा. मा. III. 1. p. 212; स्मृति १०.
- 547 एष दण्डः समाख्यातः पुरुषावेश्या मया । quoted by अपरार्क on याज्ञ. II. 211.
- 548 उदुह्यते दाक्षिणात्यैर्मातुलस्य सुता द्विजैः । मध्यदेशे कर्मकराः शिल्पिनश्च गवाशिनः ॥ मत्स्यादाश्च नराः पूर्वे व्यभिचाररताः स्त्रियः । उत्तरे मद्यपा नार्य, स्पृश्या नृणां रजस्वलाः स्मृतिचंद्रिका ( आह्निक p. 10, Gharpure ), व्यवहारनिर्णय p. 16 वीर. p. 29, व्य. म. &c.
- 549 यज्ञे संपूज्यते विष्णुर्व्यवहारे महीपतिः । जयी तु यजमानोत्र जितः पशुरुदाहृतः ॥ पूर्वपक्षोत्तरावायं प्रतिज्ञा च हविः स्मृता । त्रयो शास्त्राणि सभ्यास्तु ऋत्विजो दाक्षिणादने ॥ quoted in व्य. मा. p. 284.
- 550 e. g. विप्रो धर्मद्रुमस्यादिः स्कन्दशाखे महीपतिः । सचिवाः पत्रपुष्पाणि फलं न्यायेन पालनम् ॥ यशो वित्तं फलरसो भोगोऽपग्रहपूजनम् । अजेयत्वं लोकमंतिः स्वर्गे स्थानं च शाश्वतम् ॥ वीर० p. 14. Compare नारद ( व्य. मा. I. 33 for the second verse ).



other than those of *vyavahāra*. For example, the Mit. on Yāj. I. 210 quotes a verse of Brhaspati that a *nivartana* ( of land ) is equal to 30 *daṇḍas* in area ( *daṇḍa* being seven cubits in length ) and ten *nivartanas* are equal to a *gocarma*.<sup>551</sup> On Yāj. III. 17 the Mit. quotes two verses of Brhaspati about impurity on birth or death &c. On Yāj. III. 21 the Mit. cites the definition of *deśāntara* given by Brhaspati.<sup>552</sup> On Yāj. III. 24 the Mit. quotes Brhaspati's opinion that the period of mourning on the death of one's maternal grandfather, *ācārya* or *śrōtriya* is three days. On Yāj. III. 253 the Mit. quotes Brhaspati's rule as to *prāyaścitta* for consciously drinking wine.<sup>553</sup> Vide also Mit. on Yāj. III. 30, 250, 254, 260, 290 for other quotations from Brhaspati

The foregoing, therefore, establishes, that Brhaspati was known at least to the Mit. and later writers as an expounder in verse not only of *vyavahāra* but also of other topics of *dharma* as well. As over a thousand verses of Brhaspati ( including about 800 on *Vyavahāra* ) are quoted it appears that his work must have been an extensive one comprising several thousand verses. Such a work of Brhaspati has yet to be recovered.

The Mit. on Yāj. III. 261 quotes a *Vṛddha*-Brhaspati on the nine varieties of *saṃkara*.<sup>554</sup> Kullūka on Manu ( 9. 181 ) cites a verse of *Vṛddha*-Brhaspati about the eleven subsidiary

551 सप्तहस्तेन दण्डेन त्रिंशद् दण्डा निवर्तनम् । दश तान्येव गोचर्म दत्त्वा स्वर्गे महीयते ॥ A similar verse occurs in the बृहस्पतिस्मृति ( *Jīvananda*, part I. p. 645 where the reading is दशहस्तेन ).

552 महानयन्तरं यत्र गिरिर्वा व्यवधायकः । वाचो यत्र विभियन्ते तद् देशान्तर-मुच्यते ॥ देशान्तरं वदन्त्येके षष्टियोजनमायतम् । चत्वारिंशद्वदन्त्यन्ये त्रिंशदन्त्ये तथैव च ॥

553 सुरापाने कामकृते ज्वलन्तीं तां विनिक्षिपेत् । मुखे तया विनिर्दग्धे मृतः शुद्धिमवाप्नुयात् ॥

554 यथाह वृद्धबृहस्पतिः । एकशय्यासनं पङ्क्तिर्भाण्डपङ्क्त्यन्नमिश्रणम् । याजनाध्यापने योनिस्तथा च सह भोजनम् । नवधा सङ्करः प्रोक्तो न कर्तव्योऽधमैः सह ॥

' These are ascribed to *Vṛddha*-Brhaspati by Mit. on Yāj. III. 261 by Aparārka on p. 1086 ( with slight variations ) and by *Samiti* candrikā ( *Āhnika* p. 10, *Gharpure* ) and Gr. R. p. 587 ( as *Brhaspati's* ) '.





sons ( vide note 346 above, where the verse is ascribed to *Brhaspati* ). Hemādri ( *Caturvarga*, vol. III, part 2, p. 472 ) quotes a *Jyotir-Brhaspati* on the prohibition of a *śrāddha* on the thirteenth tithi of the dark half. *Aparārka* on *Yāj. II. 3-4* quotes three verses from *Vṛddha-Brhaspati* about the derivation of the word “ *prāḍ-vivāka* ’ and one on the punishment for *sabhyas* who take bribes. Three of these verses are ascribed to *Brhaspati* in the *Parāśara-Mādhaviya* and other works and one of them to *Kātyāyana* in the *Vyavahāra-mātrkā*.

After the publication of the first volume of ‘ the History of *Dharmaśāstra* in 1930 ’ and the publication in 1933 by the present author in a book-form of the verses of *Kātyāyana* ( with English translation and notes ) on law and judicial procedure ( originally contributed to a *Journal on Hindu Law* ), the late Prof. K. V. Rangaswami Aiyangar came to me in 1934, when I gave him a copy of the reconstruction of *Kātyāyana*. He asked me to attempt a similar reconstruction of *Brhaspati*. As I had by that time decided to bring out a large history of *Dharmaśāstra*, I refused to undertake what he suggested and asked him to make the attempt himself. He undertook the work of reconstructing *Brhaspati*’s *Smṛti* and published it in 1941 in the well-known Gaekwad’s Oriental Series ( Baroda ). That is a bulky volume in 732 pages. He not only collected the verses attributed to *Brhaspati* on law and judicial procedure but also on other subjects. He arranged them in seven parts : ( 1 ) on *Vyavahāra* in pp. 1-228 arranged in 29 chapters, ( 2 ) on *Saṃskāra* ( pp. 231-308 ), ( 3 ) *Ācāra* ( pp. 309-325 ), ( 4 ) *Śrāddha* ( pp. 326-351 ); ( 5 ) *Āśauca* ( pp. 352-364 ); ( 6 ) *Āpad-dharma* pp. 365-372 ; ; ( 7 ) *Prāyaścitta* ( pp. 373-386 ). Besides a Preface, a list of Sanskrit works drawn upon or referred to in the footnotes, an Index in Sanskrit of the topics dealt with ( pp. 17-69 ), he contributed a learned and exhaustive English Introduction ( pp. 71-186 ) and an alphabetical ( Sanskrit ) Index of quarters of the verses included in the section on *Vyavahāra* ( pp. 387-459 ) and another Index of half-verses on sections other than *Vyavahāra* ( pp. 460-492 ); he also gives a list of additional texts found after the work was sent to the Press ( pp. 493-499 ), a list of authors and works cited in the text of *Brhaspati*, additions to footnotes ( pp. 502-536 ) and lastly a comparative statement of verses translated by Dr. Jolly ( in *SBE* Vol. 33, 1889 ) and in the work that he



collected and edited. This work is a laborious performance. It should have been accompanied by an English translation and notes on difficult passages. I have, however, to differ from it in some places and am further obliged to say that, in spite of all the labour he bestows, he some how failed to notice some verses and prose passages of Brhaspati as having been mentioned by Viśvarūpa and others. Dr. Jolly (in S. B. E. vol. 33) collected and translated 717 verses of Brhaspati on 'Vyavahāra'.

Prof. Aiyangar on p. 73 of his Introduction states that Dr. Jolly published an English rendering of 697 Ślokas on Vyavahāra attributed to Brhaspati. To me it is not clear how he arrived at the smaller figure of 697. Probably there is some mistake in making the total of the verses in the 27 sections of the translation. Prof. Aiyangar further says (on p. 73 of the Introduction) that the number of Ślokas (including under the term a few passages in prose) dealing with Vyavahāra is 1372, nearly double the number collected by Dr. Jolly.

Dr. Jolly rightly says at the beginning of his Introduction to the translation of Brhaspati's verses 'the fragments of Brhaspati' are among the most precious relics of the early legal literature of India.

Aparārka (on Yāj. II. 151 pp. 761-62), Kalpataru (on Vyavahāra on pp. 450-51) and Smṛticandrikā (Vyavahāra, p. 234, Gharpure) contain 8 or 9 verses of Brhaspati about the loss or gain of lands by the change in the courses of rivers or when a king grants lands from one village as situated in another.

The Vyavahāranirnaya of Varadarāja cites a verse (on p. 132) as Brhaspati's in the work called 'Pañcādhyāyī' and again (on p. 357) simply a verse in 'Pañcādhyāyī.' It is possible that Pañcādhyāyī is an independent work in which Brhaspati was quoted or it may be that Pañcādhyāyī is the name of the work of Brhaspati himself.<sup>555</sup>

555 The मित. on या. I. 210 states 'गोचर्मलक्षणं च बृहस्पतिना दर्शितम् । सप्तहस्तेन दण्डेन त्रिंशद्दण्डं निवर्तनम् । दश तान्येव गोचर्म दत्त्वा स्वर्गे महीयते ॥ इति ।; अपरार्क quotes (on p. 336) from the मत्स्यपुराण सप्तहस्तेन त्रिंशद्दण्डा निवर्तनम् । त्रिभागहीनं गोचर्म मानमाह प्रजपति ॥

(Continued on the next page)



Prof. Aiyangar says ( on p. 493 of his reconstructed Brhaspati ) that certain passages ( both nir. prose and verse ) attributed to Brhaspati in different Nibandhas were noticed by him after the text had been sent to the press and then sets out only two passages in prose from Viśvarūpa's Bālakrīḍā. The commentary of Viśvarūpa was published at Trivandrum in two parts, the first in 1922 ( on Yāj. I and II, *ācāra* and *vyavahāra* ) and the 2nd in 1924 ( on Prāyaścitta ). He began to collect materials for the reconstruction of Brhaspati after 1934. Therefore, he could have secured many more prose passages attributed to Brhaspati by Viśvarūpa. I set out a few more prose passages of Brhaspati from Viśvarūpa's commentary alone. They are ten in all, most of which refer to Vyavahāra.<sup>556</sup> Viśvarūpa also quotes five verses of Brhaspati,

( Continued from the previous page )

This is quoted by अपरार्क on p. 1225 from मत्स्यपुराण and on the same page he quotes बृहस्पति as ' दशहस्तेन वंशेन दशवंशाः समन्ततः । पञ्च चाभ्यधिकस्तद्वदेतद्रोचर्मलक्षणम् ॥ — Prof. Aiyangar quotes Hemādri first and it is not clear why he does not mention the Mit. and Aparārka first and why he should not have made a reference to the verses of Yāj. instead of referring to pages of some edition which many readers might not be able to get. अथ पञ्चाध्याय्यां बृहस्पतिः । त्रिवर्षं भुज्यते येन समक्षं भूरवादिता । तस्य सा नापहर्तव्या क्षमालिङ्गं न चेद्वदेत् ॥ चतुष्पाद्वनधान्यादि वर्षाद्धानिमवाप्नुयात् ॥ व्यव. नि. p. 132 ; पञ्चाध्याय्याम् ज्ञातिसामन्तधनिकाः ज्ञाते तात्कालिकाः स्मृताः । दशाहायास्तु ते सर्वे केतुर्विकेतुरेव च । ज्ञात्यादिगामी तत्क्षेत्रं विकेतुर्मूल्यकार्पणात् ॥ व्यव. नि. p. 357.

- 556 ( 1 ) चोरापहृतं तु सर्वेभ्योऽन्विष्यार्पणीयम् । अलाभे स्वकोशाद्वा । अददच्चोर-  
किल्बिषी स्यात् ॥ on या. II. 38 ; ( 2 ) धनस्त्रीहारिपुत्राणां पूर्वाभावे यथोत्तर-  
माधमर्ष्यं तदभावे क्रमशोन्येषां रिक्थभाजाम् । on या. II. 47 ; ( 3 ) पादोपच-  
यात् क्रमेणेतरेषाम् । on या. II. 39 ; ( 4 ) उपस्थाप्य विपत्तावुपस्थाप्यस्य पुनः  
प्रतिभूर्दाप्यः । on या. II. 55 ; ( 5 ) अनन्वयिनः सर्वे राजा हरेत्तदनुज्ञया वाऽ-  
वरोधज इत्येके । on या. II. 138 ; ( 6 ) कामतः शूद्रावरोधजस्य भ्रातुरंशं  
समानमात्रं प्रेते पितरि दद्युः शुश्रूषुष्वेत् ॥ on या. II. 139 ; ( 7 ) राजा क्षेत्रं  
दत्त्वा चातुर्वैथवणिग्वारिकसर्वग्रामीणतन्महत्तरस्वामि पुरुषाधिष्ठितं परि-  
न्यात् । शासनं वा कुर्यात् । on या. II. 154 ; ( 8 ) यदि शूद्रो नेता स्यात्

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which have been noticed by Prof. Aiyangar. He, it appears, regards the quotations in prose and verse as belonging to the same author. In one prose quotation Brhaspati is mentioned by name as stating a certain proposition. It is possible that Viśvarūpa regarded that all quotations (both prose and in verse) are to be attributed to one author. One cannot dogmatise on such a point. But it is quite likely that the author of the verses was different from the author of the Sūtras quoted by Viśvarūpa.

Prof. Louis Renou of Paris contributed to volume VI (1962) of the Indo-Iranian Journal (Publishers, Moulton and Co., the Hague) pp. 81-102 a learned paper (in French) on the edition of the fragments of Brhaspati (collected) by Prof. K. V. Rangaswami Aiyangar. It is not possible to mention here for reasons of space even the most salient points of his criticisms against Prof. Aiyangar's edition of Brhaspati. On p. 83 note 2 he observes that Prof. Aiyangar has not made use of P. V. Kane's learned edition of the fragments of Kātyāyana with translations and points out that the word 'nāṣṭika' which is explained in H. of Dh. Vol. III pp. 464-5 and the incidents of the sale by a finder of an article lost by the owner (in Kātyāyana 622-623) are not set out by Prof. Aiyangar. It is unnecessary for the present author to dwell on the omissions pointed out by Prof. Renou in Prof. Aiyangar's work, which latter simply collects passages with enormous details about the works and pages where the verses of Brhaspati occur with hardly a word of explanation anywhere.

An interesting point, with reference to the collections of verses quoted as from Brhaspati or Kātyāyana, the original Smṛtis of which are not now available, is the confusion

( Continued from the previous page )

क्लेब्येनालङ्कारेणालंकृत्य शवं भस्मना मुखं विलिप्यामेयस्य पशोऽशोणितेन पञ्चाङ्गलानि कृत्वा ग्रीवायामान्त्राणि प्रतिमुच्य सव्येन पाणिना सीमाश्लेष्टं मूर्ध्नि धारयेत् । on या. II. 156; (9) राजवृद्धिं सकितवात्समिकाद्दशकं शतम् । यथासमयं वा स्यात् । on या. II. 204; (10) द्वादशरात्रं पञ्चगव्याद्वारः । षड्द्वारात्रं वा यावत्काहारो गोष्ठे वसेत् । देशकालशक्यनुरूपं वा भवेत् । स्मृत्यनखाद्यपनयनं कृत्वा ब्राह्मणान् प्रणिपत्यानुज्ञातोऽन्ते गां वृषं वा तद्वद्व्याहृत्य ब्राह्मणान् भोजयित्वा शुष्येतित्याह बृहस्पतिः । on या. III. 262.



caused by the same verse being cited as from Brhaspati or Kātyāyana or Nārada or Manu ( both the latter Smṛtis being available in printed editions ). A few striking examples are cited ( in the footnote ). Some verses are attributed to both Brhaspati and Kātyāyana ( and sometimes to three viz. Nār., Br., Kāt., or Manu, Br. and Kāt. ).<sup>557</sup>

- 557 ( 1 ) प्रतिज्ञादोषनिर्मुक्तं साध्यं सत्कारणान्वितम् । निश्चितं लोकसिद्धं च पक्षं पक्षविदो विदुः ॥ विश्वरूप cites without name on Yāj. II. 6 ; व्यव. मा. p. 291, कल्पतरु ( व्यवहार p. 61 ascribes to बृह. and कात्या०. अपरार्क p. 810, स्मृतिच. ( व्य. p. 40 ) and परा. मा. III. p. 61 ascribe to बृहस्पति.
- ( 2 ) तपस्विनां तु कार्याणि त्रैविध्यैरेव कारयेत् । मायायोगविदां चैव न स्वयं कोपकारणात् ॥ व्य. मा. p. 281 ascribes to both बृहस्पति and कात्या०. and वीर p. 30 to बृह० ; व्यव. नि. p. 12 to बृह. It occurs in कौटिलीय I. 19. 32.
- ( 3 ) लेख्यदोषास्तु ये केचित्साक्षिणां चैव ये स्मृताः । वादकाले तु वक्तव्याः पश्चादुक्ताञ्च दूषयेत् ॥ स्मृतिच. ( व्य. p. 83 ) ascribes to कात्या. ; अपरार्क p. 672, वीर० p. 164, व्य. म. p. 39 ( to बृह० ).
- ( 4 ) अर्थेना संनियुक्तो वा प्रत्यर्थिप्रहितोपि वा । यो यस्यार्थे विवदने तयोर्यज्य-पराज्यौ ॥ अपरार्क p. 639 ascribes to कात्या., व्य. मा. p. 287 to नारद and कात्या.
- ( 5 ) अनुपस्थापयन्मूलं क्रयं वाप्यशोधयन् । यथाभियोगं धनिने धनं दाप्यो दमं च सः ॥ मिता. on या. II. ( 170 ascribes to Manu ) ; स्मृतिच. ( व्यव. ) p. 215, वि. र. p. 108, व्य. म. p. 197, वीर० p. 381 ascribes to कात्या.
- ( 6 ) योगाधमनविक्रीतं योगदानप्रतिग्रहम् । यस्य वाप्युपधि पश्येत्तत्सर्वं विनिवर्तयेत् ॥ अपरार्क p. 783 ascribes to कात्या ; स. वि. ( सरस्वतीविलास p. 287 to नारद. This is मनु 8. 165.
- ( 7 ) आहूय साक्षिणः पृच्छेन्नियम्य शपथैर्भृशम् । समस्तान्विदिताचारान्विज्ञा-तार्थान्पृथक् पृथक् ॥ मिता. on या. II. 73 ascribes to कात्या० ; अपरार्क ascribes to नारद.
- ( 8 ) साहसस्तेयपारुष्यगोभिशापे तथा च ये । भूमौ च पादपे क्षिप्रमकालेपि बृहस्पतिः ॥ कल्पतरु ( व्यव. p. 67 ) ascribes to both कात्या. and बृह., and परा. मा. III p. 171 ascribes to बृह.
- ( 9 ) सान्निध्येपि पितुः पुत्रैर्ऋणं देयं विभावितम् । जात्यन्धपणितोन्मत्त क्षयश्चित्रा-दिरोगिणः ॥ कात्या. acc. to अपरार्क. p. 650 वि. र. p. 51, वि. चि. p. 16, परा. मा. III. p. 263. In the Introduction to my edition of the reconstruction of Kātyāyana I have ( on pp. VIII-X ) pointed out many verses that are common to Kātyāyana, Brhaspati, Nārada and Manu.

### 38. Kātyāyana

Nārada, Brhaspati and Kātyāyana form a triumvirate in the realm of the ancient Hindu Law and procedure. The work of Kātyāyana on Vyavahāra, like that of Brhaspati, has yet to be recovered. After the first volume of H. of Dh. was published in 1930, I contributed to a Law Journal in Bombay a collection of Kātyāyana's verses gathered from quotations in 21 works and later (in 1933) published in a book form 973 verses of Kātyāyana with English translation, two Appendices and a General Index (in all 372 pages). Later on Prof. K. V. Rangaswami Aiyangar contributed a paper to the Kane Festschrift (pp 7-17) embodying 121 additional verses of Kātyāyana from the work called Vyavahāranirṇaya of Varadarāja (which he published in 1942 as No. 29 of the Adyar Library series).

Kātyāyana is enumerated as one of the expounders of *dharma* by Śaṅkha-Likhita, Yājñavalkya (I. 4-5) and Parāśara. A Kātya is quoted as an authority in the Baudhāyana-dharmasūtra (I. 2. 47). A Śrautasūtra and Śrāddhakalpa of the white Yajurveda are ascribed to Kātyāyana.

Kātyāyana appears to have taken Nārada and Brhaspati as his models in the order and treatment of the subjects to be dealt with on *vyavahāra*. He closely follows both the writers in terminology and technique. On several points he presupposes Nārada and expounds and elucidates the latter's dicta. For example, Nārada (Intro. chap. I. 10-11) lays down that Vyavahāra has four *pādas*, each later one prevailing, viz. dharma, vyavahāra, caritra, rājaśāsana (note 361) and then Nārada very briefly in one verse explains these four terms; Kātyāyana, on the other hand, devotes at least nine verses to the elucidation of the rule as to each succeeding one prevailing over its predecessor.<sup>558</sup> Nārada contains very little on the topic of *strīdhana* (dāyabhāga chap. verses 8-9). He merely enumerates the six kinds of *strīdhana* and then lays down the rule of succession. Kātyāyana's treatment of *strīdhana* has attained classical rank. It appears that he was probably the first to carefully define the several kinds of *strīdhana* (such as *adhyagni*, *adhyāvahanika*, *prītidatta*, *śulka*, *anyā-dheya*, *saudāyika*), to lay down woman's power of disposal



over the several varieties of strīdhana and to prescribe lines of devolution as to strīdhana. The verses on this topic occurring in the nibandhas number about thirty. The leading nibandhas contain only a few quotations from Brhaspati on strīdhana. Hence it may be surmised that Kātyāyana probably was the first smṛti writer to give elaborate rules on this topic.

It has been already shown how Kātyāyana often quotes the views of Brhaspati. A few more examples may be added here. According to Brhaspati, says Kātyāyana, when a man who stands surety with others on a joint liability goes abroad, his son would have to pay the whole debt, but if the man dies then the son would be liable for his father's share only.<sup>559</sup> When cattle stray into fields, gardens, houses or cowpens, they may be, according to Brhaspati, caught hold of ( by the ear &c. ) or beaten.<sup>560</sup> According to Brhaspati, a man of the ksatriya, vaiśya or śūdra caste may employ one of his own caste to do the work of a dāsa ( slave or serf ), but even a Brāhmaṇa could never employ another Brāhmaṇa in the same way.<sup>561</sup>

More than 21 nibandhas on Vyavahāra quote about 1100 verses of Kātyāyana on vyavahāra, the Smṛticandrikā alone citing about 600 of them. In these verses Kātyāyana refers at least a score of times to the views of Bhṛgu. It is remarkable that only a few of the views ascribed to Bhṛgu are found in the extant Manusmṛti. Kātyāyana says, according to Bhṛgu, whatever ( ancestral ) wealth was concealed by one coparcener from others, whatever was badly divided should be divided in equal shares when afterwards discovered ( Parāśara-Mādhaviya III, p. 566 ). This may well be compared with Manu 9. 215. Kātyāyana says, according to Bhṛgu, it is not Brāhmaṇa-murder to kill an ātatāyin who is foremost by his austerities, learning and caste. This has in view Manu

559 एकच्छायाश्रिते सर्वं दद्यात्तु प्रोषिते सुतः । मृते पितरि पित्रंशं परर्णं न बृहस्पतिः ॥ परा. मा. III, p. 251.

560 क्षेत्रारामविवीतेषु गृहेषु पशुपादिषु । ग्रहणं तत्प्रविष्टानां ताडनं वा बृहस्पतिः वि. र. p. 241.

561 क्षत्रविद्वद्भर्मस्तु समवर्णे कदाचन । कारयेद् दासकर्माणि ब्राह्मणं न बृहस्पतिः वि. र. p. 152.





8. 360. Kullūka distinctly says that Kātyāyana simply explains the verse of Manu by referring to it as Bhṛgu's. On the other hand, there are several places where the views ascribed to Bhṛgu find no counterpart in the extant Manu. Bhṛgu seems to have been a predecessor of the author of the extant Manusmṛti since it mentions ( III. 16 ) the view of Bhṛgu. The Mit. on Yāj. III. 292 quotes a verse of Bhṛgu. Viśvarūpa also quotes a verse of Bhṛgu on Yāj. I.79 and another on Yāj. I.187, both of which are not found in the Manusmṛti. Aparārka quotes in all four verses of Bhṛgu ( on pp. 58, 461, 547, 696 ). The Smṛticandrikā,<sup>561a</sup> after dilating upon the two superior places cited by Manu ( viz. the king or a judge appointed by the king where disputes are decided ) quotes three verses of Bhṛgu which refer to 15 inferior tribunals for decision in some special matters. The Smṛticandrikā also quotes several verses of Bhṛgu on Śrāddha, two of which are interesting and indicate that the Bhṛgu it quotes is a much later writer than Manu, as they refer to the position of the Sun in *rāśis* ( signs of the zodiac ).

According to Bhṛgu in all *sāhasas* of the worst type the truth should be found out by means of divine proof ( ordeals &c. ) even though there may be witnesses.<sup>562</sup> There is nothing in the Manusmṛti corresponding with this. According to Bhṛgu the ordeals of balance &c. are prescribed for those who are suspected to be in league with marauders and who have

561a दशस्थानानि वादानां पञ्च चैवाब्रवीन्मनुः । निर्णयं येन गच्छन्ति विवादं प्राप्य वादिनः ॥ आरण्यास्तु स्वकैः कुर्युः सार्थिकाः सार्थिकैस्तथा । सैनिकाः सैनिकेरेव प्राप्तेभ्युभयवासिभिः ॥ ( and two more verses ) quoted by स्मृतिच० ( व्यव० ) p. 18.

एकराशिस्थिते सूर्ये यदा दर्शद्वयं भवेत् । हव्यकव्यक्रियाहन्ता तदाज्ञेयोऽधिमासकः ॥ वृद्धिश्राद्धं तथा सोममग्न्याधेयं महालयम् । राजाभिषेकं काम्यं च न कुर्याद्भानुलङ्घिते ॥ स्मृतिच० on श्राद्ध p. 370.

भृगुः । येषु पापेषु दिव्यानि प्रतिषिद्धानि यत्नतः । कारयेत्सज्जनैस्तानि नाभिशस्तं त्यजेन्मनुः ॥ भृगु q. by अपरार्क p. 666 reads प्रतिशुद्धानि

562 उत्तमेषु च सर्वेषु साहसेषु विचारयेत् । सद्भावं दिव्यदृष्टेन सत्सु भृगुः ॥ परा. मा. III. p. 90.



incurred popular censure, but in such cases there is no undertaking ( by the complainant to pay fine ).<sup>563</sup> The Manusmṛti has not a word on this point. Household paraphernalia, beasts of burden, cattle, ornaments, slaves should be divided when discovered ; if they are ( alleged to be ) concealed, the ordeal of kośa should be resorted to ; so says Bhṛgu.<sup>564</sup> Another important circumstance that deserves to be noted is that Kātyāyana several times refers to the views of Manu. Kātyāyana says that the view of Manu was ' In those disputes ( or crimes ) for which ordeals are forbidden ( to be administered to perpetrators ) the king should make efforts to have them performed by good men on their behalf ( if available ) ; he should not abandon the person charged ( without testing his guilt by proxy ) ' : this is the view of Manu.<sup>565</sup> According to Manu, if a woman deserted her son, though he may be able ( to pay ), her strīdhana should be seized and the paternal debt should be paid thereout.<sup>566</sup> Manu declared, says Kātyāyana, that if animals be killed, the offender should offer ( to the owner ) another similar animal or its proper price. All these views attributed to Manu by Kātyāyana are not found in the extant Manusmṛti. In certain places Kātyāyana refers to the views of the Mānavas ; e. g. according to the Gārgīyas and Mānavas if a bribe had already been paid, the person receiving it should be made to repay it and should be fined eleven times as much ;<sup>567</sup> according to the Mānavas thieves caught red-

563 लोकापवाददुष्टानां शङ्कितानां च दस्युभिः । तुलादीनि नियोज्यानि न शिरस्तत्र वै भृगुः ॥ अपरार्क, स्मृति ४० .

564 गृहोपस्करवाह्याश्च दोषाभरणकर्मिणः । दृश्यमाना विभज्यन्ते कोशं गूढेब्रवीन्मनुः ॥ अपरार्क p. 723 and परा. मा. III, p. 557.

565 एषु वादेषु दिव्यानि प्रतिषिद्धानि यत्नतः । कारयेत्सज्जनैस्तानि नाभिश्चस्तं त्यजेन्मनुः ॥ अपरार्क p. 696 who ascribes it to भृगु. The टोडरानन्द reads त्यजेन्नरः .

566 या स्वपुत्रं तु जह्यात्स्त्री समर्थमपि पुत्रिणी । आहत्य स्त्रीधनं तत्र पित्र्यार्णं शोधयेन्मनुः ॥ वि. र. p. 65.

567 अथ प्रागेव दत्ता स्यात्प्रतिदाप्यस्तथा बलात् । दण्डं चैकादशगुणमाहुर्गार्गीयः मानवाः ॥ अपरार्क p. 782 ; वि. र. 626 ( which reads आम्भीयमानवाः )



handed with their booty should be at once banished.<sup>568</sup> As regards both these references, the teaching of the Manusmṛti seems to be different; vide Manu 9. 231 and 270 respectively. These facts about Kātyāyana's references to Bhṛgu and Manu raise several difficult questions, whether Bhṛgu and Manu stand for two entirely different works or for the same work and whether he refers to some other version of the Manusmṛti ascribed to Bhṛgu. In my opinion he is not referring to two separate works, and that he had before him a version of the Manusmṛti promulgated by Bhṛgu but somewhat different from and probably larger than the present Manusmṛti.

In the *nibandhas* several verses are ascribed to Kātyāyana along with Manu, Yājñavalkya and Brhaspati. For example, the well-known verse about the sixfold division of strīdhana (adhyagnyadhyāvahanikam &c.) is ascribed by the Dāyabhāga to Manu and Kātyāyana. The half-verse "varṇā-nāmānulomyena dāsyam na pratilomataḥ" is the same in both Yājñavalkya (II. 183) and Kātyāyana. The Viramitrodaya (p. 140) ascribes a verse to Brhaspati and Kātyāyana, in which the opinion of Brhaspati is cited. There is very close agreement between the definitions proposed by the two last writers of dharma, vyavahāra, caritra, and rājaśāsana. Besides Manu (or Mānavas), Brhaspati and Bhṛgu, Kātyāyana cites the views of several other writers on dharma. For Gārgyas and Gautama vide notes 567 and 568. He says, according to Kauśika, powerful robbers were to be guarded by chains of iron, were to be low-fed and were to undergo hard labour for the state till death (Aparārka p. 849). He quotes the view of Likhita that where a woman is deprived of food, raiment and dwelling (by her husband's coparceners) she would be entitled to demand her own (strīdhana) and a share from the coparceners. In one case (Aparārka p. 755), a verse is cited as Kātyāyana's in which Kātyāyana himself is named (Parāśaramādhaviya III. p. 235).

Kātyāyana contains the same advanced views about law and rules of procedure as are found in Nārada and Brhaspati.

568 मानवाः सद्य एवाहुः सहोढानां प्रवासनम् । गौतमानामनिष्टं यत्प्राण्युच्छेदाद्वि-  
गर्हितम् ॥ वि. र. 332. It is not unlikely that the correct reading is  
प्रमापणं for प्रवासनं, as the immediately following view  
suggests. The words of मनु are सहोढं सोपकरणं घातयेदविचारयन्.



He is even in advance of these two writers in certain matters, such as definitions in general and the elaboration of rules about *strīdhana*. He gives numerous definitions, such as those of *vyavahāra*, *prādvivāka*, *stobhaka*, *dharmādhikaraṇa*, *tīrita* and *anuśiṣṭa*, *sāmanta* &c. He seems to have been the first to invent some new terms. For example, he defines *paścātkāra* as a judgment given in favour of the plaintiff after a hot contest between the plaintiff and the defendant, while the term *jayapatra* is restricted by him to the judgment given on admission by the defendant or a judgment dismissing the suit on various grounds.<sup>569</sup> He lays down a stringent rule that if a man abandons a ground of defence or attack and puts forward a less cogent one, he would not be allowed to put forward again the stronger ground after a decisive judgment of the court.<sup>570</sup> This resembles the 4th explanation to section 11 of the Indian Civil Procedure Code (1908) about *res judicata*. The verses about *kārṣāpaṇa* and *dīnāra* quoted above (note 368) from Nārada (*pariśiṣṭa* verses 58-60) are ascribed to Kātyāyana by the *Smṛticandrikā*.

The date of Kātyāyana can be settled only approximately. He is certainly much later than Manu and Yājñalkya. As shown above he presupposes Nārada and regarded Brhaspati as a very leading authority on *vyavahāra*. Hence his upper limit is the 3rd or 4th century A. D. Viśvarūpa quotes eight verses as Kātyāyana's by name (vide on Yāj. II. 5, 6, 47, 63, 281) on such topics of *Vyavahāra* as the defects of the plaint, the contents of the plaint, the liability for the debts of a deceased person, payments of debts of honour (*satyamkāra*), punishment for abortion, grievous hurt and homicide of a brāhmaṇa woman. Medhātithi (on Manu 7. 1) ascribes to Kātyāyana the rule that in case of conflict between the dictates of *dharmasāstra* and *arthasāstra* the king should prefer the former. Medhātithi on Manu (VIII. 216) speaks of Kātyāyana-sūtra, appears to quote a portion

569 निरस्तास्तु क्रिया यत्र प्रमाणेनैव वादिना । पश्चात्कारो भवेत्तत्र न सर्वासु विधीयते ॥ अन्यवाद्यादिहीनेभ्य इतरेषां प्रदीयते । वृत्तानुवादसंसिद्धं तच्च स्याज्जयपत्रकम् ॥ स्मृतिच०, टोडरानन्द, वीर०.

570 क्रियां बलवतीं मुक्त्वा दुर्बलां योवलम्बते । स जयेवधृते सभ्यैः पुनस्तां नाप्रयत्नः क्रियाम् ॥ मिता० on याज्ञ. II. 80 ; व्य. मा. p. 281 ; वीर० p. 108.

of it in prose and explains it.<sup>571</sup> Medhātithi says that Kātyāyana extended the maxim of the trader carrying merchandise (bhāṇḍavāha-vaṇik maxim) to all similar transactions. All known quotations of Kātyāyana are in verse. When Medhātithi speaks of a sūtra and quotes a portion of it (as “vā” and “iti” after “nivarteta” indicate) in prose, we must either suppose that he is referring to some other work of Kātyāyana than the one in verse from which hundreds of verses are cited by other writers or that Kātyāyana’s work on vyavahāra also contained some prose passages. As hardly any other writer quotes a prose passage of Kātyāyana on vyavahāra, the second alternative appears somewhat unlikely. Viśvarūpa and Medhātithi regarded Kātyāyana as an authoritative *smṛtikāra* along with Nārada and Bṛhaspati. This position he could not have attained in less than a few hundred years. Therefore, the lowest limit to which Kātyāyana can be assigned is the 6th century. Hence it may be said that Kātyāyana flourished between the 4th and 6th century A. D.

The Vyavahāramātrkā (p. 307) quotes a Bṛhat-Kātyāyana on the question of proof. The Dāyabhāga mentions a Vṛddha-Kātyāyana. The Sarasvatīvilāsa also quotes verses of Vṛddha-Kātyāyana on rescission of purchase and other topics (p. 320). In the present state of our knowledge it is very difficult to say whether these two are different works. The Caturvarga-cintāmaṇi (vol. III, part 2, p. 657) speaks of Upakātyāyana. Aparārka on p. 485 quotes a verse from śloka-Kātyāyana which is not found in the Karmaṇpradīpa (Jivananda’s ed.), but appears to be a summary of a prose passage quoted as Kātyāyana’s immediately before by Aparārka.

In Jivananda’s collection of smṛtis (part I, pp. 603-644) there is one of Kātyāyana in three prapāṭhakas and 29 khaṇḍas and about five hundred verses. The same work is printed as Gobhilasmṛti in the Ānandāśrama collection (pp. 49-71). It contains also a few prose passages in the 12th, 13th and 14th khaṇḍas. The prevailing metre is Anuṣṭubh, a few verses being in the Indra vajrā and other metres. The

571 ‘यो वान्यः कस्यचित्कर्मणि धनमाबध्य अर्धतो निवर्तेतेति कात्यायनीयसूत्रे  
धनमाबध्य आसज्य धनव्ययं कारयित्वा यदि अर्धकृते निवर्तेत सोऽपि निवर्तेत  
त्यनुषङ्गः ॥’



work is styled the Karmapradīpa of Kātyāyana. The opening verse justifies this name when it states that like a lamp the work will clearly show the mode of performing certain rites treated by Gobhila and other rites which are not clearly elucidated.<sup>572</sup> The contents of this work are briefly as follows:—how to wear the sacred thread; sipping water and touching various limbs with water; the worship of Gaṇeśa and fourteen mātṛs in every rite; kuśas; śrāddha details; consecration of sacred fires; details about *araṇīs*, *sruṣ*, *sruva*; rules about cleansing the teeth and bathing; sandhyā; prāṇāyāma, muttering of Vedic *mantras*; tarpaṇa of gods and *manes*; the great daily *yajñas*; who is to offer śrāddha; rules about periods of impurity due to death; duties of wife; śrāddhas of various kinds.

The Karmapradīpa mentions by name several authors. It very frequently cites the views of Gobhila (pp. 603, 626, 638) and Gautama (pp. 619, 620, 626, 630, 636, 639). The Karmapradīpa as the opening verse says is intimately related to the Gobhila Gr̥hyasūtra. It distinctly says that as Gobhila did not dilate upon the details as to time and procedure of goyajña and vājiyajña, Kātyāyana dilates upon them. This is borne out by the Gobhila gr̥hya-sūtra<sup>573</sup> Another passage of Kātyāyana<sup>574</sup> about the Aṣṭakās is based upon the very words of the Gobhila-gr̥hya. Frequent reference is made to the views of Vasīṣṭha on the worship of Mātṛs (p. 605), on śrāddha (pp. 608, 625). Vide also p. 642 (28. 16). Among the other authors named are Nārada on the sticks for dantadhāvana (p. 615), Bhārgava (probably Uśanas) on p. 640,

572 अथातो गोभिलोक्तानामन्येषां चैव कर्मणाम् । अस्पष्टानां विधिं सम्यग्दर्शयिष्ये प्रदीपवत् ॥

573 Vide p. 638 verses 1-11 of 26th khaṇḍa and compare with Gobhila-gr̥hyasūtra III. 6. 10-15 ( गायज्ञे पायसश्चरुः । अग्निं यजेत पूषणमिन्द्रमीश्वरम् । ऋषभपूजा । गायज्ञेनैवाश्वयज्ञो व्याख्यातः । यमवरुणौ देवतानामत्राधिकौ । गन्धैरभ्युक्षणं गवाम् । ) .

574 यस्तु शाकादिको होमः कार्योपूपाष्टकानृतः । अन्वष्टक्यं मध्यमायामिति गोभिलगौतमौ । वार्कषण्डिश्च सर्वासु कौत्सो मेनेष्टकासु च ॥ कात्यायन० 17. २४ ( p. 626 ); compare गोभिलगृह्य. III. 10. 4-7 'चतुरष्टको हेमन्तः सर्वाः समांसाश्विकीर्षेदिति कौत्सः । त्र्यष्टक इत्यौद्गाहमानिः । तथा गौतमवार्कषण्डी । यार्धमाग्रहायण्यास्तामिष्टाष्टमी तामपूपाष्टकेत्याचक्षते । '



Śāṇḍilya and Śāṇḍilyāyana on p. 626. Kātyāyana is named in several places ( pp. 624, 627, 638 ) and once the first person is used ( as in “ mamāpyetad hr̥di sthitam ” p. 643 ). The Kātyāyanasmṛti quotes the verse of Manu ( III.70 ) on the five great *yajñas*. On p. 633 four verses forming the consolation to be offered to the relatives of a person departed are the same as Yāj. ( III. 8-11 ) and one verse in the same context occurs in the Mahābhārata ( Śāntiparva 27.31 and other places ).<sup>575</sup> On p. 631 Kātyāyana speaks of Rāma having performed *yajñas* taking as his spouse the golden image of Sītā.

The question is:—what is the date of this Kātyāyana-smṛti ( Karmapradīpa ) and whether it is the work of Kātyāyana the great jurist. The Mit. ( on Yāj. I. 254 ) quotes a verse as Kātyāyana's which occurs in Jivananda's text ( p. 624 verse 20 ); similarly the Mit. quotes two verses as Kātyāyana's ( on Yāj. III. 247 ) which have a place in the Karmapradīpa ( Jivananda p. 634 verses 4-5 ). Scores of verses cited as Kātyāyana's by Aparārka ( on *ācāra* and *prāyaścitta* ) are found in the Karmapradīpa. For example, *vide* Aparārka p. 43 ( three verses ) and Karmapradīpa ( p. 605, 1110-12 ), Aparārka p. 51 ( three verses about *samīdhi* ) and Karmapr. ( p. 613, 8. 17-19 ), Aparārka p. 135 ( four verses about bathing in rivers ) and Karma. ( p. 615, 10. 5-7 and 14 ), Aparārka p. 532 ( four verses on *śrāddha* in which Kātyāyana himself is cited as an authority ) and Karma. ( p. 624, 16. 16-19 ), Aparārka p. 872 ( six verses ) and Karma. ( 21. 2-7 p. 632 ), Aparārka p. 1066 ( three verses about an *agnihotrin* being guilty of *mahāpātaka* ) and Karma. ( 23. 4-6 p. 634 ). The Smṛticandrikā also quotes profusely from Kātyāyana on *ācāra*, *śrāddha* etc. and cites from the Karmapradīpa by name passages which occur in Jivananda's edition. The above references show that in the eyes of the Mitākṣarā and Aparārka the Karmapradīpa was an authoritative work. Therefore, it follows that it must have been composed long before the 11th century A. D. It is, however, remarkable that several quotations ascribed to Kātyāyana in the Mitākṣarā, Aparārka and other works are not found in the Karmapradīpa. For example, the Mitākṣarā ( on Yāj. III. 242 ) cites Kātyāyana's



verse about five varieties of lapses in conduct viz. mahāpātaka, atipātaka, pātaka, prāsaṅgika, upapātaka and on Yāj. III. 260 quotes a verse of Kātyāyana about what are atipātakas. These are not to be traced in the Karmapradīpa printed by Jivananda. Similarly, Aparārka ( pp. 94-95 ) quotes three verses of Kātyāyana that are very interesting but are not found in Jivananda's edition.<sup>576</sup> Later works like the Nirṇayasindhu, the Saṁskāramayūkha, the Madanapārijāta quote numerous verses of Kātyāyana on upanayana, marriage and other saṁskāras which we vainly seek to find in the Karmapradīpa. It is better to hold with Dr. R. C. Hazra that several works were ascribed to Kātyāyana, though they were composed by different persons. Vide New I. A. vol. VII at pp. 64-65.

The next question is whether Kātyāyana the jurist and the author of the Karmapradīpa are identical. There are not sufficient data to identify the two. The only fact that points to the identity is that such eminent and early writers as Vijñāneśvara and Aparārka appear to make no distinction between the two. Besides, the Karmapradīpa is also an early work. Against this it has to be remembered that Viśvarūpa, probably the most ancient of all extant commentators, nowhere quotes Kātyāyana on ācāra and prāyaścitta. This absence of quotations is not a very cogent argument; still it raises a doubt in one's mind whether a work of Kātyāyana on ācāra and other non-jural topics was known to Viśvarūpa.

A few words must be said about the additional 121 verses collected and published in Kane Festschrift by Prof. Aiyangar as ascribed to Kātyāyana. Many verses are ascribed to Brhaspati in some Dharmaśāstra works which are attributed to Kātyāyana by others. For reasons of space only a few striking examples are cited below: ( Kāt. = collection of Kātyāyana's verses by P. V. Kane and Br. Col. stands for

576 वरयित्वा तु यः कश्चित्प्रणश्येत्पुरुषो यदा । रक्तागमांस्त्रीनतीत्य कन्यान्यं वरयेद्वरम् ॥  
प्रदाय गच्छेच्छुल्कं यः कन्यायाः स्त्रीधनं तथा । धार्या सा वर्षमेकं तु देयान्यस्मै  
विधानतः ॥ पूर्वदत्ता तु या कन्या अन्येनोढा यदा भवेत् । संस्कृतापि प्रदेया  
स्याद्यस्मै पूर्वं प्रतिश्रुता ॥ The first verse 'Varayitvā tu &c.' and the  
third 'Pūrvadattā' are cited by Aparārka on Āhnikā ( pp. 82-83 )  
as Kātyāyana's view and the first as of Kāt, in Smṛticandrikā p. 82  
( āhnikā ).



Prof. Aiyangar's own collection of Br̥haspati verses ; P. M. = Parāśara-mādhaviya, Vy. N. = Vyavahāranirṇaya ed. by Prof. Aiyangar ):

1. The verse 'Unmatta-matta' in Vy. N. p. 59 is ascribed to Br. by Aparārka p. 615 in Br. Col. ( I. 173 ).
2. The verse 'Pramāṇasamatā yatra' Kāt. in Vy. N. p. 63 is Br. 3.45 ( p. 43 ) found in Aparārka p. 625, Smṛticandrikā and several other works.
3. 'Stribālārtālipijñānām' is Kāt. in Vy. N. p. 91, but Br. Col. p. 66 ( Br. in Smṛ. c. p. 65 on Vy. ).
4. 'Paśyan-nanyasya dadataḥ' is Kāt. in Vy. N. p. 138, while it is Br. in Aparārka p. 632, Smṛ. c. ( Vy. p. 68 ).
5. 'Parikṣeta svayam paṇyam' is Kāt. in Vy. N. p. 344, but Br. ( in Br. Col. p. 156 and is Smṛ. c. ( Vy. p. 220 ), Vyavahāramātrkā p. 215 and others.
6. 'Vāgdaṇḍam prathamam kuryāt' is Kāt. acc. to Vy. N. p. 528, but Br. in Daṇḍaviveka p. 263 ( Br. Col. p. 227 ).

Three verses of Manu are quoted as occurring in Kāt. by Vy. N. p. 529, which are respectively Manu IX. 288 and Manu VIII. 124-125.

The verse 'strīṇām sāksyam striyaḥ kuryuḥ' is ascribed to Kāt. ( my collection No. 351 ) and to Manu by Vyavahāramātrkā p. 323 ( and it is Manu VIII. 68 ). The same is the case with the verse 'Svabhāvenaiva yad-brūyus' &c. ( Kāt. No. 393, which is Manu 8. 78 ). The verse 'anupasthāpayan-mūlam' ( Kāt. No. 619 ) is ascribed to Manu by the Mit. on Yāj. II. 170 and to Kāt. by Smṛ. can. ( Vy. p. 215 ), Par. M., Vivāda-ratnākara 108 and Vīramitrodaya and Vy. Mayūkha.

It is difficult to say why these differences arise. All that can be proposed as the rule to be followed is that the ascription to Br. or Kāt. of a verse should be accepted on this basis that one should follow what the older and distinguished authors and works ( such as Viśvarūpa, Mitākṣarā, Aparārka, Kalpataru, Vyavahāramātrkā, Smṛticandrikā and Parāśara-Mādhaviya ) say or a majority of them say.

Similarly, many verses on Vyavahāra are ascribed to both Br̥haspati and Kātyāyana. A few examples may be cited. Kāt. verses 382-384 are ascribed to different authorities by different authorities. Verses 693-95 in my Kāt. collection are



assigned to different authors viz. to Nārada (first two occur in printed Nārada 12. 5-6), Bṛhaspati, Kāt. and Vyāsa (No. 83 my collection of Kāt.) is ascribed to both Br. and Kāt. in Vyavahāramātrkā p. 281 (it is Kauṭilya I. 19. 32); No. 141 (Pratijñādoṣa) is ascribed to both Br. and Kāt. by Kalpataru (Vy.) p. 61, Vya. Mātrkā p. 291, but Aparārka (p. 610) and Smṛ. c. (Vya. p. 40) ascribe to Br. alone and it occurs in Viśvarūpa on Yāj. II. 6 (without name). The Prthvīcandra ascribes it to both Br. and Kāt. (on Vya. p. 47, a digest of about last quarter of the 15th century A. D.); Kāt. No. 152 (‘sāhasasteya’ &c.) is ascribed to both Br. and Kāt. by Prthvīcandra (Vy. p. 55) and Kalpataru (Vy. p. 67) and is almost the same as Yāj. II. 12).

Kātyāyana himself is named in a verse that is cited from Kātyāyana by Par. M.<sup>577</sup>

The number of Smṛtis or Smṛtikāras quoted or referred to by themselves or mentioned in commentaries and digests is very large, particularly if one takes into account Smṛtikāras or Smṛtis with the words ‘brhat’ ‘madhyama,’ ‘laghu’ and ‘vrddha’ prefixed to many of them. The important versified Smṛtis in the Sanskrit alphabetical order will now be briefly dealt with one after another.

### 39. Āṅgiras

Āṅgiras is one of the ten primordial sages mentioned in Manusmṛti I.34-35). It is a very ancient name even in the R̥gveda. On Yāj. I. 50 Viśvarūpa quotes a verse of Āṅgiras that what is done according to one's own will without following the dictates of Śāstra is fruitless.<sup>578</sup> On Yāj. III. 248 Viśvarūpa says that the *vrata* called Vajra was prescribed by Āṅgiras for Brāhmaṇas guilty of deadly sins. Viśvarūpa (on Yāj. III. 255) quotes two verses of Āṅgiras on the prāyaścitta for killing the wife of a brāhmaṇa who has kindled the sacred fires for killing wives of other brāhmaṇas and ksatriyas and vaiśyas. On Yāj. III. 266 he quotes two verses of

577 अनिर्दिष्टाच्च निर्दिष्टमेकत्र च विलेखितम् । विशेषलिखितं ज्याय इति कात्या-  
यनोब्रवीत् ॥ परा. मा. vol. III. part I. p. 235.

578 स्वाभिप्रायकृतं कर्म यत्तु धर्मविवर्जितम् । क्रीडाकर्मैव बालानां  
निष्प्रयोजनम् ॥



Āṅgīras laying down *prāyaścitta* for killing certain beasts and birds, wherein Āṅgīras himself is mentioned with honour (*bhagavān*). Aparārka ( pp. 22--23 ) quotes thirteen verses from Āṅgīras on the constitution of *pariṣad*, wherein such terms as *cāturvidya*, *vitarkī*, *āṅgavid*, *dharmapāṭhaka* are explained and the last of which says that a *pariṣad* sitting in judgment over those who are guilty of *mahāpātakas* may consist of hundreds. The *Mitākṣarā* ( on Yāj. I. 86 ) quotes several verses on the practice of *satī* and ascribes them to both Śāṅkha and Āṅgīras.<sup>579</sup> Aparārka ( pp. 109, 112 ) quotes four other verses on the same practice, one of which is in the *Indravajrā* metre and another prohibits a *brāhmaṇa* wife from following that practice. *Medhātithi* ( on *Manu*. V. 157 ) quotes the view of Āṅgīras on *satī* and disapproves of it. The *Mitākṣarā*, *Haradatta* and others quote numerous verses of Āṅgīras on *āśauca* and *prāyaścitta*. *Haradatta* on *Gautama* ( 20. I ) quotes a verse of Āṅgīras about the seven *antyaajas*.<sup>580</sup> *Viśvarūpa* ( on Yāj. III. 237 ) quotes a *sūtra* of *Sumantu* in which *Āṅgīrasa* is cited as an authority. The *Śuddhi-mayūkha* quotes a verse of Āṅgīras which relies upon *Śātātapa*.<sup>581</sup> The *Smṛticandrikā* quotes Āṅgīras on the enumeration of *Upasmṛtis* ( vide note 260 above ). The *Smṛticandrikā* also contains a few prose quotations from Āṅgīras; the same work cites a verse of Āṅgīras holding the *dharmaśāstra* of *Manu* as the supreme guide.<sup>582</sup>

The *Āṅgīras-smṛti* ( in *Jivananda* part I, pp. 554--560 ) in 72 verses is probably an abridgment. It lays down *prāyaścittas* for various occasions, such as taking food and drink from *antyaajas*, for cruelly beating or causing various injuries to cows. It also lays down various rules for the wearing of the dark cloth (*nīlivastra*) by women. It cites Āṅgīras and *Āpastamba* by name. The penultimate verse condemns those who rob women of their wealth.

579 One of them is the well-known verse तिस्रः कोट्योर्धकोटी च यानि लोमानि मानुषे । तावत्कालं वसेत्स्वर्गे भर्तारं यानुगच्छति ॥

580 चण्डालः श्वपचः क्षत्ता सूतो वैदेहिकस्तथा । मागधायोगवौ चैव सप्तैतेन्यावसायिनः ॥

581 सर्वेषामेव वर्णानां सूतके मृतके तथा । दशाहाच्छुद्धिरेतेषामिति शातातपोऽप्युक्तम् ॥

582 यत्पूर्वं मनुना प्रोक्तं धर्मशास्त्रमनुत्तमम् । नहि तत्समतिकम्य वचनं हितमस्मिन् ॥ स्मृतिच० ( आहिक ) .



In the *Ānandāśrama* collection of *Smṛtis* ( published in 1905 ) there is an *Āṅgiras-Smṛti* in 168 verses. At the beginning it is said that, when asked by *Bharadvāja* and others, *Āṅgiras* declared the *Smṛti* dealing with rules of *prāyaścitta*. It names the following *Smṛtikāras*, viz. *Śaṅkhalikhita* ( in v. 15 ), *Sumantu* ( in v. 26 ), *Āpastamba* ( v. 76 ), *Manu* ( v. 86 ), *Āṅgiras* ( 147 and 155 ). In 1953 Mr. A. N. Krishna Aiyangar published an *Āṅgirasasmṛti* at Adyar. This is different from the preceding two works and contains over 1200 *ślokas*. Pandit Manoranjan Sastri ( of Gauhati ) claims that he has found the mss. of a different *Āṅgirasasmṛti* compiled before 14th century A. D. ( p. 100 of the *Pragjyotisa Souvenir* published by him at the time of the All India Oriental Conference at Gauhati in January 1965 ). As the text is not yet available to scholars, and no reasons are given except the learned Pandit's opinion on reading the *Kāmarūpa Ms.*, other scholars have to suspend their judgment. The *Kalpataru* ( on *Śuddhi* p. 18 ) states that *Vasiṣṭha* and *Āṅgiras* have certain passages in common ( vide note below ).<sup>583</sup>

There are several mss. in the Govt. Mss. Library at the Bhandarkar Institute ( Poona ) which contain a varying number of verses on *prāyaścitta* agreeing more or less with *Jivananda's* text. For example, No. 53 of 1879-80 contains about one hundred verses, No. 205 of 1882-83 contains 54 verses, while No. 65 of *Viśrāmbāg* collection and No. 83 of 1895-1902 contain only 32 ; No. 81 of 1884-86 is styled *Brhad-Āṅgiras* and contains 151 verses, many of which are identical with those in the Calcutta text.

The *Mitākṣarā* ( on *Yāj.* III. 277 ) and the *Smṛtiratnāvali* of *Vedācārya* ( I. O. cat. No. 1552 p. 475 ) quote a *Brhad-Āṅgiras* and the *Mitākṣarā* also quotes a *Madhyama-Āṅgiras* several times ( on *Yāj.* III. 243, 247, 258 and 260 ).

583 वसिष्ठोऽङ्गिराश्च । जनने तु मातापित्रोरेव सूतकम् । इत्येवमेव स्याद्विप्राणां शुद्धि-  
मिच्छताम् । मातापित्रोर्वा । तन्निमित्तत्वान्मातुरित्येके । अथाप्युदाहरन्वि-  
नाशौचं सूतके पुंसः संसर्गं चेन्न गच्छति । रजस्तत्राशुचि ज्ञेयं तच्च पुंनि-  
विद्यते । Compare वसिष्ठधर्मसूत्र IV. 20-23.



#### 40. R̥ṣyaśṛṅga

This is a writer who is frequently quoted on ācāra, āśauca, śrāddha, and prāyaścitta by the Mit., Aparārka, Smṛticandrikā and other works. Aparārka (p. 724) quotes as R̥ṣyaśṛṅga's a verse ascribed to Śaṅkha in the Mitākṣarā (on Yāj. II. 119) and other works, which states that when one coparcener recovers with his own efforts family property that was lost to the family, he gets a fourth share of it and the others become sharers in the rest.<sup>584</sup> The Smṛticandrikā (I. p. 32) quotes 'api vāsasā yajñopavitārthān kuryāt tadabhāve trivṛtā sūtreṇa', which is in prose.

R̥ṣyaśṛṅga is frequently quoted by Aparārka on the Prāyaścitta section of Yāj. (about 13 verses) on Prāyaścitta. The Vy. N. of Varadarāja (p. 26) ascribes the verse of Yāj. II. 32 (Mattonmattārta &c) to R̥ṣyaśṛṅga also. Aparārka (p. 724) quotes one verse of R̥ṣya° on Vyavahāra viz. 'If one coparcener in a joint family recovers by his efforts property lost to the family, he should be awarded one-fourth of it and the remaining portion should be distributed among the remaining coparceners according to their proper shares. This verse is ascribed to Śaṅkha by the Smṛticandrikā (on p. 276). Kalpataru (on Vy. 622) quotes two verses on a wife's duties.

#### 41. Kārṣṇājini

This writer is quoted by the Mit. (Yāj. III. 265 three verses), Aparārka, Smṛticandrikā and other works mostly on śrāddha. Aparārka (p. 138) quotes a verse from him which enumerates the seven sons of Brahmā, viz. Sanaka, Sanandana, Sanātana, Kapila, Āsuri, Vadhā (?) and Pañcaśikha. Aparārka (p. 424) quotes a verse of Kārṣṇājini which refers to the two signs of the Zodiac, Kanyā, and Vṛścikā.

#### 42. Caturvimsatimata

There are two Mss. of this work in the Bhandarkar Institute, Poona (No. 244 of A. 1881-1882 and 111 of 1895-1902). It contains 525 verses. The work is so called because it embodies the essence of the teachings of 24 sages, Manu, Yājñavalkya, Atri, Viṣṇu, Vasistha, Vyāsa, Uśanas, Āpastamba,

<sup>584</sup> पूर्वनष्टां तु यो भूमिमेकश्चेदुद्धरेत् क्रमात् । यथांशं तु लभन्तेन्ये  
तुरीयकम् ॥



Vatsa, Hārīta, Guru (Br̥haspati), Nārada, Parāśara, Gautama, Yama, Bauddhāyana, Dakṣa, Śaṅkha, Aṅgīras, Śātātapa, Sāṅkhyā (Sāṅkhyāyana?), Saṁvarta. The subjects treated of are:— The usages of the varṇas and āśramas, śauca, ācamana, cleansing the teeth, bath, prāṇāyāma, repeating the Gāyatrī, study of the Vedas, marriage, agnihotra, five great daily yajñas, means of livelihood, forest hermits, saṁnyāsins, duties of Kṣatriyas and the other two varṇas, prāyaścittas for the deadly sins and other lesser misdeeds, means of livelihood, śrāddha, āśauca (on birth and death).

In the Govt. Mss. library at the B. O. R. Institute (Poona), there is a Ms. bearing No. 111 of 1895-1902 of Caturviṃśatimata which contains 526 verses and another No. 244 of A. 1881-82 which has 525 verses.

The work often quotes the views of Uśanas, Manu, Pārāśarya, Aṅgīras, Yama, Hārīta. It quotes Manu III. 5 (‘asapiṇḍā ca yā’ etc.) and Manu XII. 95 (yā vedabāhyāḥ smṛtayaḥ). Two other verses which it contains are indicated as interpolated in several editions of Manu.<sup>585</sup> It says that the teachings of Arhat, Cārvāka and Buddha delude people.<sup>586</sup> Its position is that whatever is not found in the Veda or the Purāṇas, the Rāmāyaṇa, or Mahābhārata or in the śāstras of Manu and others is as good as non-existent.<sup>587</sup>

The Caturviṃśatimata is frequently quoted by the Mit., Aparārka and later works,<sup>588</sup> but not by Viśvarūpa and

585 वृद्धौ च मातापितरौ साध्वी भार्या शिशुः सुतः । अप्यकार्यशतं कृत्वा भर्तव्या मनुषवीत् ॥ (after मनु. XI. 10); पुराणं मानवो धर्मः साङ्गो वेदश्चिकित्सितम् । आज्ञासिद्धानि चत्वारि न हन्तव्यानि हेतुभिः ॥ (after मनु XII. 110.). This occurs in यशस्तिलक, 4th आश्वास p. 117 and the first half of it occurs in the तन्त्रवार्तिक.

586 अर्हच्चार्याकवाक्यानि बौद्धादिपठितानि च । विप्रलम्भकवाक्यानि तानि सर्वाणि वर्जयेत् ॥ This occurs in the स्मृतिच० I. p. 5 (Gharpure) and परा. मा. vol. I, part I, p. 10.

587 यन्नास्ति वेदे न च यत्पुराणे रामायणे भारतसङ्गरे वा । मन्वादिशास्त्रेषु च यन्न वोक्तं तन्नास्ति नास्तीति न तेन कार्यम् ॥

588 जप्त्वा पापैः प्रमुच्येत बोधायनवचो यथा । त्रिमधुस्त्रिसुपर्णं च नाचिकेतस्य यथा । नारायणं जपेत्सर्वं मुच्येत ब्रह्महत्याया । हंसः शुचिषदित्येकां जपेद्वापि





Medhātithi. It was probably compiled about the time when the latter two writers flourished. Aparārka<sup>589</sup> (p. 1121) quotes a prose passage from the work on the *prāyaścitta* for a *dvijāti* procreating children on a *Śūdra* wife. This passage could not be traced in the two mss. referred to above.

The Mit. on Yāj. III. 58 quotes the Catur° for the proposition that a person resorting to the 4th *āśrama* (i. e. *Sannyāsa*) may be 'ekadaṇḍin' or 'tridaṇḍin'. The Mit. quotes several verses from the Catur° on penances (*prāyaścittas*) for serious and light sins or offences. It suggests alternative penances for even very heinous sins, e. g. on Yāj. III. 308 it provides that if a person performs the *Japa* of *Gāyatrī* (Rg. III. 62. 10 'tat-savitur-vareṇyam) a crore of times he atones for the sin of *brāhmaṇa* murder, becomes free from the sin of drinking liquor by *japa* of *Gāyatrī* 80 lakhs of times, from the sin of the theft of gold by repeating 70 lakhs of times the *Gāyatrī*. The *Smṛti-candrikā* quotes Catur° many times on *Āhnikā* and on *Śrāddha*. It quotes the opinion of *Baudhāyana* in a verse and goes so far as to say that a man becomes free from sins by the *japa* of *Brāhmaṇa* works, the six *aṅgas*, the *ākhyānas* (legends), *Itihāsa*, *Purāṇas* and praises of gods and expositions on *Dharma*. Aparārka also quotes about 60 verses of *Caturviṃśatimata* and one prose passage on p. 1121 (quoted below).

Another somewhat remarkable point is that Aparārka in several cases places *Caturviṃśatimata* passages immediately near *Ṣaṭ-triṃśatmata* passages (vide Aparārka pp. 1081, 1172-74, 1182, 1248).

The portions of the works on *saṃskāra* and *śrāddha* together with the commentary of Bhaṭṭoji, son of *Lakṣmīdhara*, have been published in the Benares Sanskrit

( Continued from the previous page )

त्रियम्बकम् ॥ ब्राह्मणानि च कल्पांश्च देवतास्तवनानि च । जप्त्वा पापैः प्रमुच्येत  
धर्माख्यानैस्तथापरैः ॥ चतुर्विंशतिमत q. by स्मृतिच०, आहिक pp. 187-188 ;  
हंसः शुचिषद० is Rg. IV. 40. 5 ; त्रियम्बकं is त्र्यम्बकं यजामहे Rg.  
VII. 59.12.

589 चतुर्विंशतिमतात्-वृषल्यामभिजातस्त्रीणि वर्षाणि चतुर्थसमये नक्तं  
वृषल्यामभिजातो वृषल्यां जनितापत्यः । वृषली चात्र परिणीता शुद्धा । अपरसर्वे  
p. 1121,



Series ( Nos. 137 and 139 ). The commentary is a very learned one and refers to a host of writers. This commentary is in some mss. ascribed to Rāmacandra ( vide I. O. Cat. No. 1554, p. 473 ).

### 43. Dakṣa

Dakṣa is one of the writers on *dharma* enumerated by Yāj. Viśvarūpa quotes verses of Dakṣa several times, viz. on Yāj. I. 17 ( on clods of earth for purifying the body ), on Yāj. III. 30 ( two verses on āśauca ), on Yāj. III. 66 ( about a parivrājaka ), on Yāj. III. 191 ( about padmāsana ). The Mit. ( on Yāj. I. 89 ) quotes a half verse of Dakṣa to the effect that a *dviija* should not remain unattached to an āśrama ( i. e. without a wife in the context ) even for a moment ; on Yāj. III. 58 two verses about bhikṣus ; on Yāj. III. 243 ( one verse ). Aparārka cites numerous verses of Dakṣa on ācāra, āśauca, śrāddha and similar topics. In one case ( p. 368 ) he attributes a prose passage to Dakṣa about the gift of gold.<sup>500</sup> Two of Dakṣa's verses most frequently quoted by writers on vyavahāra are those that lay down what nine things cannot be the subjects of gift.<sup>501</sup>

In Jivananda's collection there is a Dakṣasmṛti ( part II, pp. 383-402 ) in seven chapters and 220 verses ( vide also Ānandāśrama collection pp. 72-84 ), M. N. Dutt's collection Vol. I. pp. 291-309. The principal subjects treated of are :— Four āśramas, two kinds of brahmacārins ; the daily round of duties for dvijas ; various subdivisions of actions, nine *karmans* nine *vikarmans* nine actions that should be concealed, nine acts that should be made public, nine things that should not be gifted ; gifts ; eulogy of a good housewife ; śauca of two kinds ; impurity due to birth and death ; Yoga and its six āṅgas viz. prāṇāyāma, dhyāna, pratyāhāra, dhāraṇā, tarka and samādhi ; maithuna of eight kinds to be avoided by ascetics ; duties of bhikṣu, dvaita, and advaita.

590 सुवर्णमेव स्वर्णमस्य च देशकालपात्रसुवर्णपरिमाणान्च फलविशेषः । अपरार्क.

591 सामान्यं याचितं न्यस्तमाधिर्दाराश्च तद्धनम् । अन्वाहितं च निक्षेपः सर्वस्वं चान्वये सति ॥ आपत्स्वपि न देयानि न वस्तूनि पण्डितैः । यो ददाति मूढात्मा प्रायश्चित्तीयते नरः ॥ अपरार्क p. 404. These occur in the दक्षस्मृति ( Jivananda, part II, p. 391 ).

Dakṣasmṛti contains the name of Dakṣa himself and shows that he was a thorough-going *Advaitin* (as the note shows).<sup>592</sup>

This smṛti is certainly a very old one. All the quotations from Dakṣa cited by Viśvarūpa occur in the printed Dakṣa (vide pp. 395, 396, 384, 397 which reads 'na pathyāśanād yogo'). Similarly all the quotations in the Mit. from Dakṣa are found in the Calcutta text. Aparārka contains over forty verses from the printed Dakṣa, though there are a few verses cited by him as Dakṣa's which are not found therein. The Smṛticandrikā quotes about ten verses of Dakṣa on woman which are all found in the 4th chap. of the Calcutta text.

In the Govt. Mss. library at the B. O. R. Institute Poona, there is a ms. of Dakṣa (No. 120 of 1895-1902), which contains 197 verses on the same topics as above, many of which are identical with the Calcutta text. The Bombay University has also a similar ms. Vide I. O. Cat. No. 1320 p. 385 for a similar ms. in 197 verses.

#### 44. Pitāmaha

Pitāmaha is enumerated among writers on dharma in a verse of Vṛddha-Yājñavalkya quoted by Viśvarūpa. The Smṛti of Pitāmaha (part I p. 10) is drawn upon mostly on Vyavahāra. Viśvarūpa cites (on Yāj. I. 17) a verse from him on śauca.<sup>593</sup> The Mitākṣarā and Aparārka respectively quote about 45 and 75 verses from Pitāmaha only on Vyavahāra and specially on ordeals and the Kalpataru on Vyavahāra quotes about 90 verses on the same topics from Pitāmaha. Some verses are ascribed to both Pitāmaha and Nārada (as in Kalpataru Vy. pp. 238, 239) and in a few cases to Brhaspati and Pitāmaha (as in Kalpataru, Vy. p. 251). The Smṛticandrikā quotes about ten verses (of Pit°) on āhnikā, 130 on Vyavahāra and only a few on śrāddha. Pitāmaha regards the Vedas with the āngas, Mīmāṃsā, the

592 यस्त्वात्मव्यतिरेकेण द्वितीयं नैव पश्यति । ब्रह्मभूतः स विज्ञेयो दक्षपक्ष उदाहृतः ॥  
दक्षस्मृति VII. II (Ānan. ed.).

593 त्रिषु ये नोपनीयन्ते शूद्राः सौधन्वनाः स्त्रियः । गन्धलेपापक(र्षणं?)  
मृदाम्भसा ॥



Smṛtis, Purāṇa and Nyāya system as dharmaśāstras.<sup>594</sup> Pitāmaha, like Brhaspati, enumerates nine kinds of ordeals,<sup>595</sup> while Yāj. and Nārada name only five, though the latter seems to have known two more, viz. taṇḍula and taptamāṣa. The Smṛticandrikā quotes a dozen verses about 50 *chalas* on which a king took action without any complaint.<sup>596</sup> Pitāmaha seems to have followed Vyāsa in defining documents called krayapatra, sthitipatra, saṁdhipatra, viśuddhipatra.<sup>597</sup> The Smṛticandrikā cites Pitāmaha for an enumeration of the 18 *prakṛtis* viz. washerman, leather worker, etc.<sup>598</sup> The same work states that according to Pitāmaha the titles of law to be taken cognisance by the king himself were twenty-two. In the hall of justice, he says, there should be eight constituents viz. the scribe, the accountant, śāstra, the sādhyapāla, the assessors, gold, fire and water.<sup>599</sup> Some of the other noteworthy dicta of Pitāmaha are :— a suit should be<sup>600</sup> first tried before the village (pancāyat), then before the town (court of appeal), then before the king; between litigants of the same country, town, societies, cities and villages, the decision should be arrived at according to their own peculiar conventions and usages, but when there is a dispute between these and strangers, the decision must be

594 वेदाः साङ्गस्तु चत्वारो मीमांसा स्मृतयस्तथा । एतानि धर्मशास्त्राणि पुराणं  
न्यायदर्शनम् ॥ अपरार्क p. 601; compare याज्ञ. I. 3.

595 अष्टमं फालमित्युक्तं नवमं धर्मजं भवेत् । दिव्यान्धेतानि सर्वाणि निर्दिष्टानि  
स्वयंभुवा ॥ quoted by अपरार्क p. 694.

596 छलानि चापराधाश्च पदानि नृपतेस्तथा । स्वयमेतानि गृह्णीयान् नृपस्त्वावेदकैर्विना ॥  
स्मृतिच०.

597 Vide परा. मा. vol. III. p. 128 and स्मृतिच०.

598 रजकश्चर्मकारश्च नटो बुरुड एव च । कैवर्तकश्च विज्ञेया म्लेच्छभिल्लौ तथैव च ॥  
वेमरस्थिरविव्याधहस्तलाक्षद्रुघटकाः । कौसेदकाभीरपदमातङ्गाण्डोपगोपकाः ॥  
एताः प्रकृतयः प्रोक्ता अष्टादश मनीषिभिः । वर्णानामाश्रमाणां च सर्वदा तु बहिः  
स्थिताः ॥ स्मृतिच०.

599 लेखको गणकः शास्त्रं साध्यपालः सभासदः । हिरण्यमग्निरुदकमष्टाङ्गकरणं स्मृतम् ॥  
स्मृतिच० ( व्य. ); compare नारद ( Intro. chap. verse 15 ).

600 ग्रामे दृष्टः पुरे यायात्युरे दृष्टस्तु राजनि । राज्ञा दृष्टः कुदृष्टो वा नास्ति तस्य  
पुनर्भवः ॥ स्मृतिच०; देशपत्तनगोष्ठेषु पुरग्रामेषु वासिनाम् । तेषां स्वसमयैर्धर्मैः  
शास्त्रतो न्येषु तैः सह ॥ स्मृतिच०.



according to the śāstra ; possession in order to be recognised by the courts as decisive must have five characteristics,<sup>601</sup> it must have title, long duration, it must be uninterrupted, it must not have been impeached and it must be before the eyes of the opponent ; a private document<sup>602</sup> under one's own hand is inferior to a *jānapada* ( a publicly written and attested ) deed, the latter is inferior to a royal edict, this last is inferior to possession continued for three generations.

Pitāmaha is later than Brhaspati,<sup>603</sup> as he cites the latter's view that a litigation between members of the same village, society, town, guild, caravan or army must be decided according to their peculiar usages. Therefore, Pitāmaha must be assigned to some date between the 4th and 7th century A. D.

#### 45. Pulastya

Pulastya's name is among the ten primordial sages mentioned in the Manusmṛti I. 34-35.

Pulastya is one of the expounders of dharma enumerated by Vṛddha-Yājñavalkya. Viśvarūpa quotes a verse from him on śārīraśauca.<sup>604</sup> The Mit. ( on Yāj. I. 261 ) cites a verse from Pulastya that a Brāhmaṇa should principally use ascetic's food ( i. e. vegetable food ) in śrāddha, that kṣatriyas and vaiśyas should use meat and śūdras madhu.<sup>605</sup> The Mit. ( Yāj. III. 253 ) quotes two verses of Pulastya who enumerates eleven intoxicating drinks together with *surā* as the twelfth.<sup>606</sup> Aparārka quotes several verses from Pulastya on saṁdhyā, śrāddha, āśauca, duties of yatis, prāyaścitta. Aparārka quotes two verses from Pulastya propounding the view that a

601 सागमा दीर्घकाला चाविच्छिन्नापरवोज्जिता । प्रत्यर्थिसंनिधाना च भुक्तिः पञ्चविधा स्मृता ॥

602 स्वहस्तकाज्जानपदं तस्मात्तु नृपशासनम् । ततस्त्रैपुरुषो भोगः प्रमाणतरमिष्यते ॥

603 ग्रामगोष्ठपुरश्रेणिसार्थसेनानिवासिनाम् । व्यवहारश्चरित्रेण निर्णेतव्यो बृहस्पतिः ॥

604 स्नातकस्य त्रयोऽपाने पञ्चापानेग्निहोत्रिणः । सर्वानेवं गृहस्थेषु शौचकल्पान्नियोजयेत् । विश्वरूप on या. I. 17.

605 मुन्यन्नं ब्राह्मणस्योक्तं मांसं क्षत्रियवैश्ययोः । मधुप्रदानं शूद्रस्य सर्वेषां चाविरोधियत् ॥

606 पानसं द्राक्षमाधूकं खार्जूरं तालमैक्षवम् । मधूत्थं सैरमारिष्टं मैरेयं नारिकेलम् ॥ समानानि विजानीयान्मद्यान्येकादशैव तु । द्वादशं तु सुरामयं सर्वेषामधमे स्मृतम् ॥



combination of *jñāna* and *karma* is the correct view.<sup>607</sup> The first of these verses is ascribed by him to Yoga-Yājñavalkya elsewhere (note 336). The *Smṛticandrikā* quotes about forty verses from Pulastya on *āhnikā* and *śrāddha*. In one place it quotes Pulastya on the efficacy of bathing on Sunday, Tuesday, and Saturday.<sup>608</sup> In another place it refers to the *japa* of Rāma, Paraśurāma, Nṛsiṃha Trivikrama.

Aparārka (on p. 1136) quotes eight verses from Pulastya that provide various religious rites or actions for dog-bite in the case of brāhmaṇa men and women.

The Dānaratnākara of Caṇḍeśvara cites a prose text from Pulastya on the gift of deer-skin.<sup>609</sup>

The Pulastya-smṛti must have been composed between 4th and 7th century A. D.

#### 46. Paithīnasi

Paithīnasi, though not named among the *Smṛtikāras* enumerated in Yāj. I. 4-5, is mentioned among the 36 *Smṛtis* quoted by Aparārka (p. 7) from the *Bhaviṣyapurāṇa* and also in the quotation from Paithīnasi about the thirty-six names of the expounders of *Dharmaśāstra* in the *Smṛti-Candrikā* (p. 1). Another reason is that he appears to have dealt in his work with all three branches of *Dharmaśāstra*, viz. *ācāra*, *vyavahāra* and *prāyaścitta*. Another important matter is that quotations in prose from him far outnumber quotations in verse in the comparatively early digests like the *Mit.*, *Aparārka*, *Kalpataru*. Viśvarūpa on Yāj. III. 262 cites a prose

607 ज्ञानकर्मसमायोगात्परं प्राप्नोति पूरुषः । पृथग्भावान्न सिध्यन्ति उभे तस्मात्समाश्रयेत् ॥ ज्ञानं प्रधानं न तु कर्महीनं कर्म प्रधानं न तु बुद्धिहीनम् । तस्मादुभाभ्यां तु भवेत्प्रसिद्धिर्न ह्येकपक्षो विद्वगः प्रयाति ॥ अपरार्क on या. III. 57, p. 961. These verses occur in the *Bṛhad-Yogi-Yājñ*° (chap. 9-29), which probably borrows from Pulastya.

608 रव्यङ्गारशनेर्वारैः स्नानं कुर्वन्ति ये नराः । व्याधिभिस्ते न पीडयन्ते मृगैः केसरिणो यथा ॥ स्मृतिच०.

609 अथातः कृष्णाजिनविधिं व्याख्यास्यामः । कार्तिक्यां पौर्णमास्यां वैशाख्यां चन्द्रसूर्यग्रहे विषुवयोर्वा कृष्णाजिनं सखुरं सशृङ्गमव्रणं मनोहरम् । ms. No. 14 of 1884-86 from the Govt. Mss. Library at the B. O. R. Institute, Poona, (folio 51a ).



passage of Paithīnāsī about the *prāyaścitta* for killing a cow.<sup>610</sup> The Mit. quotes prose passages from Paithīnāsī on Yāj. III. 17, 19, 253, 265 &c. Aparārka quotes several prose passages from Paithīnāsī on pp. 58, 60, 105 174, 189 (three *Aṣṭakas* in *Pauṣa* and the following two months), 239, 248. Two interesting prose passages<sup>610a</sup> on *Vyavahāra* also occur, one being that the wealth of a man dying sonless goes to his brother, in default of brother, to parents or to the senior one among his wives. On p. 1175 Aparārka quotes a long prose passage mentioning 18 persons at whose house one should not dine, nor sit for dinner in the same row with them and who are unfit to be invited at a *śrāddha*. An interesting passage cited by Aparārka about marriage is as follows: A man should choose a girl whose (father's) *gotra* is not the same as his. He should avoid girls who are within the fifth degree in descent from a common ancestor on the mother's side and 7th in descent from the father's side; or three on the mother's side and five on the father's side.<sup>610b</sup> This latter portion about three and five degrees has now been accepted by the Indian Parliament (excepting customs to the contrary) in the Hindu Marriage Act No. 25 of 1955, Section 3 (f).

Kalpataru on *Vyavahāra* quotes 22 prose passages of Paithīnāsī and 7 verses. On p. 627 it says<sup>610c</sup> women are the

610 पठीनसिनापि-गोघ्नो यदागूं प्रसूतितण्डुलशृतां मासं भुञ्जनो गोभ्यः प्रियं कुर्वाणः शुष्येत् । इति । विश्व० on या. III. 262, part II p. 141; also in मिता. on या. III. 263-84; नित्यानि विनिवर्तेरन् वैतानवर्जं शालाग्नौ चैके । मिता. on III. 17; सूतिकां पुत्रवतीं विंशतिरात्रेण कर्माणि कारयेत् । मासेन स्त्रीजननीम् । पैठी. in मिता. on या. III. 19; and कल्पतरु ( शुद्धि° ) p. 20 सुराप आर्द्रवासाश्च अग्निवर्णां सुरां पिबेत्-इति पैठीनसिस्मरणात् । मिता. on या. III. 253.

610a अपुत्रस्य स्वर्यातस्य भ्रातृगामिधनं तदभावे मातापितरौ लभेतां पत्नी वा ज्येष्ठा । शङ्खलिखितपैठीनसिवचनं etc. । अपरार्क p. 744; परिषद्गामि वा श्रोत्रियद्रव्यं न राजगामि । न हार्यं राज्ञा देवतागणसंस्थितं न निक्षेपोपनिधिक्रियागतं न बाल-स्त्रीधनान्येवं ह्याह न हार्यं स्त्रीधनं राज्ञा तथा बालधनानि च । नार्याः षडागमं वित्तं बालानां पैतृकं धनम् ॥ पैठी. in अपरार्क p. 746.

610b पैठीनसिश्च । असमानार्थेयी कन्यां वरयेत् । पञ्च मातृतः । परिहरेत् सप्त पितृतः । त्रीन्मातृतः । पञ्च पितृतोपि वा । अपरार्क p. 82. The मिता. on या. I. 53 quotes this sūtra of Paithīnāsī.

610c स्त्रियो गृहदेवताः । तासां न शौचं न व्रतं नोपवासः । पतिशुश्रूषया परमां गतिम् । पैठी° in कल्पतरु ( व्यव. ) p. 627.





presiding deities of the home ; ( strict ) rules about purification are not demanded of them, nor the observance of *vratas* nor fasting; they reach the highest world if they properly look after their husbands. When an appointed daughter dies her husband does not succeed to her wealth ; if she dies sonless, her wealth should be taken by her unmarried daughter or sister. On pp. 818 and 819, there are two prose passages, the first providing for the status of the children of a *brāhmaṇa*, *kṣatriya* or *Vaiśya* woman born from a person of a lower *varṇa* and the second providing for the status of children born in unions ( which are not bad on the ground of illicit intercourse ). The *Brahmacārikāṇḍa* of the *Kalpataru* quotes 22 prose passages and seven verses from *Paithīnāsi*. *Kalpataru* ( *Mokṣakāṇḍa* pp. 21-22 ) has a long *sūtra* of *Paithīnāsi* about the daily life of a forest hermit ( *vānaprastha* ). *Kalpataru* ( on *Śrāddha* ) adduces prose passages of *Paithīnāsi* fifteen times and only two verses. *Kalpataru* ( on *Śuddhi* ) adduces from *Paithīnāsi* only prose passages ( 15 times ), some ( as on pp. 105 and 140 ) being very long. *Kalpataru* ( *Naiyatakālika* ) quotes *Paithīnāsi* 24 times; one prose passage ( about one page in extent ) deals with honouring a guest ( on pp. 188-89 ) and there is another very long prose passage on *rajasvalā* occupying one page and a half on pp. 352-3.

#### 47. *Pracetas*

*Pracetas* finds a place among the sages enumerated by *Parāśara* ( though not in *Yājñavalkya* ), in the list of 36 *Smṛtikāras* by *Paithīnāsi* in *Smṛticandrikā* p. 1 ). In both *Mit.* and *Aparārka* there are passages in prose and verse ascribed to *Pracetas* on daily duties, *śrāddha*, *āśauca*, *prāyaścitta*. The *Mit.* ( on *Yāj.* III. 27 ) quotes a verse from *Pracetas* saying that workmen, artisans, physicians, male and female slaves, kings, royal officers have not to observe periods of impurity<sup>611</sup> ( on death ). This verse is cited as a *smṛti* by *Medhātithi* on *Manu* V. 60 without ascribing it to *Pracetas*. So *Medhātithi* looked upon *Pracetas* as equally authoritative with *Manu*, *Viṣṇu* and others.

611 कारवः शिल्पिनो वैद्या दासीदासा तथैव च । राजानो राजभृत्याश्च सयः ॥  
प्रकीर्तिताः ॥



It appears from the quotations in the Mit., Aparārka and Smṛticandrikā that they had before them a large work of Pracetas containing sūtras and verses and that Pracetas did not deal with Vyavahāra. An example of a long prose passage is cited below.<sup>612</sup>

The Mit. on Yāj. ( III. 20, 263, 264 and 265 ), Haradatta on Gautama ( 22.18 ) and Aparārka ( on pp. 910, 1125, 1171 ) quote several verses of Br̥hat-Pracetas on āśauca and prāyaścitta and the Mit. on Yāj. III. 265 and Aparārka ( on pp. 888, ) 897 and 1098 ) quote several verses of Vṛddha-Pracetas on the same topics.

A few prose quotations from Pracetas are noted in the Smṛticandrikā and by Haradatta ( on Gautama 23. 1 ).

#### 48. Prajāpati

Prajāpati is cited as an authority by the Baudhāyana-dharmasūtra ( II. 4. 15 and II. 10. 71 ). Vasistha several times quotes Prājāpatya ślokas ( viz. III. 47, XIV. 16-19, 24-27, 30-32 ). It has been shown above that most of these verses are found in the Manusmṛti or have close correspondence with verses of Manu. So it is not unlikely that both the writers of dharmasūtras mean Manu by Prajāpati.

In the Ānandāśrama collection ( p. 90-98 ) there is a smṛti of Prajāpati in 198 verses on the various details of śrāddha, such as the time, place, the persons authorised to perform, proper food, Brāhmaṇas to be invited etc. The prevailing metre is Anuṣṭubh, but there are nine verses in the Indravajrā, Upajāti, Vasantatilakā ( verse 137 ) and Sragdharā ( verse 96 ). It speaks of Kalpaśāstra, smṛtis, dharmaśāstra, purāṇas. It contains a verse referring to the Kanyā and Vṛścika ( scorpion ) signs of the Zodiac, which is almost the same as a verse of Kārṣṇājini.

612 सुतत्यागो यदि विक्रयात्मकस्तत्प्रायश्चित्तमाह प्रचेताः । अनृतवाक् तस्करो राजभृत्यो वृक्षारोपकवृत्तिर्गर्दोऽभिदोऽश्वगजरथारोहवृत्ती रङ्गोपजीवी श्वागणिकः शुद्धोपाध्यायो भाण्डिका नक्षत्रोपजीवी श्ववृत्तिर्ब्रह्मजीवी चिकित्सको देवलकः पुरोहितः कितवो मद्यपः कूटकारकोऽपत्यविक्रयी मनुष्यपशुविक्रेता च । तानुद्धरेयुः समेत्य न्यायतो ब्राह्मणा व्यवस्थया सर्वत्यागकाले चतुर्थकालहारः संवत्सरं त्रिषवणमुपस्पृशेयुः । तस्यान्ते देवपितृतर्पणं गवाहिकं चेत्येवं चतुर्थकालहारः । इति । प्रचेतस् in अपरार्क p. 1155.



The Mit. ( on Yāj. III. 25 and 260 ) quotes verses of *Prajāpati* on *āśauca* and *prāyaścitta*. *Aparārka* cites verses of *Prajāpati* on purification of various substances, on *śrāddha*, witnesses, ordeals and *āśauca*. None of these is traced to the printed text of *Prajāpati*. *Aparārka* ( p. 952 ) gives a long prose text of *Prajāpati* on the four orders of *parivrājakas*, viz. *kuṭīcaka*, *bahūdaka*, *haṁsa*, *paramahaṁsa*. *Aparārka* ( p. 542 ) cites a verse of *Laugākṣi* which refers to the view of *Prajāpati* that the son of a *putrikā* was to offer *piṇḍas* to his mother by the gotra of his maternal grand-father.<sup>613</sup> *Aparārka*, *Smṛticandrikā*, *Parāśara-Mādhaviya* and other works quote several verses of *Prajāpati* on *vyavahāra*. Witnesses are of two kinds, *kṛta* and *akṛta*.<sup>614</sup> In this he seems to have followed *Nārada* ( *ṛṇādāna*, verse 149 ). *Prajāpati* lays down the characteristics of valid reply ( *uttara* ) of the defendant and defines<sup>615</sup> the four varieties of *uttara*. The *Parāśara-Mādhaviya* cites several verses of *Prajāpati* on ordeals. *Prajāpati* recognised the right of the sonless widow to succeed to her husband's wealth<sup>616</sup> and enjoined on her the duty of offering *śrāddha* every month and year to her husband's *manes* and to honour his relatives.<sup>617</sup>

#### 49. *Marīci*

The name *Marīci* is very ancient. In *Manusmṛti* II. 34-35 *Marīci* is mentioned first among the ten *Prajāpatīs*.

This sage is relied upon as an authority by the Mit., *Aparārka*, *Smṛticandrikā* on *Āhnikā*, *Āśauca*, *Śrāddha*, *Prāyaścitta* and *Vyavahāra*. *Aparārka* quotes several verses on

613 मातामहस्य गोत्रेण मातुः पिण्डोदकक्रियाम् । कुर्वीत पुत्रिकापुत्र एवमाह प्रजापतिः ॥ अपरार्क.

614 साक्षी द्विभेदो विज्ञेयः कृत एकोऽपरोऽकृतः । लेख्यारूढः कृतो ज्ञेयः मुक्तकोऽकृत उच्यते ॥ अपरार्क p. 666, स्मृतिच० ( व्य. p. 80 reads उत्तरोऽकृत० ).

615 स्मृतिच० ( व्य. p. 42-43 ), परा. मा. vol. III, p. 69-73.

616 पूर्वं प्रमीताग्निहोत्रं मृते भर्तरि तद्धनम् । लभेत् पतिव्रता नारी धर्म एष सनातनः ॥

617 जङ्गमं स्थावरं हेम कुप्यं धान्यरसाम्बरम् । आदाय दापयेच्छ्राद्धं माससंवत्सरादिकम् । पितृव्यगुरुदौहित्रान् भर्तृस्वस्त्रीयमातुलान् । पूजयेत्कव्यपूर्ताभ्यां वृद्धानाथातिथीं स्तथा ॥ स्मृतिच० ( p. 291 ), परा. मा. vol. III. p. 536,



*tarpana*, one of which speaks of Sunday.<sup>618</sup> Marīci disallows bathing in the rivers in the months of Śrāvaṇa and Bhādrapada.<sup>619</sup> Marīci made a very near approach to the modern conceptions underlying the Transfer of Property Act. Completeness is not attained without writing in the transactions of sale, mortgage, partition and gift of immoveable property.<sup>620</sup> If a buyer purchases a chattel before a row of merchants and to the knowledge of the king's officers and in broad daylight, he is free from blame and gets back his money (if the thing turns out to be another's property), while if the price (paid by a buyer for a chattel) cannot be recovered (from the vendor who sells without title) owing to the vendor's address being not known, the loss should be apportioned between the buyer and the original owner of the chattel.<sup>621</sup> Marīci divides *adhi* into four varieties *bhogya*, *gopya*, *pratyaya*, *ājñādhi*.

Prose passage of Marīci is 'Kanyānām prāk-cūḍākaraṇāt sadyaḥ śaucam | Prāgdānād-ekāhaḥ | Dattānām prāk-pariṇayanāt-tryaḥam | Aparārka p. 938.

It is to be noted that Aparārka (p. 908) quotes a prose passage of Marīci on *āśauca*.

## 50. Yama

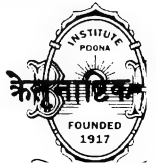
The Vasīṣṭha-dharmasūtra (18. 13-15 and 19. 48) cites four ślokas of Yama and quotes (11. 20) one verse in which Yama is spoken of as an authority. All the ślokas except one

618 सप्तम्यां रविवारे च गृही जन्मदिने तथा । भृत्यपुत्रकलत्रार्थं न कुर्यात्तिल-  
तर्पणम् ॥ अपरार्क p. 132; स्मृतिच० (आह्निक p. 123).

619 नभोनभस्ययोर्मध्ये नवां सर्वा रजस्वलाः । तासु स्नानं न कुर्वीत देवर्षिपितृ-  
तर्पणम् ॥ अपरार्क p. 235.

620 स्थावरे विक्रयाधाने विभागे दान एव च । प्रतिग्रहे च क्रीते च नालेख्या  
सिध्यति क्रिया ॥ परा. मा. vol. III. p. 128; स्मृतिच० (व्य०. p. 60 reads  
लिखितेनाप्नुयात् सिद्धिमविसंवादमेव च). According to Vy. N. p. 88  
the verse (sthāvare...kriyā) is one of Kātyāyana and it explains that  
the verse means 'यदिदं कात्यायनीयवचनं तल्लेख्यप्राधान्यपरं न त्वन्य-  
निवृत्तिपरम् ।'.

621 अविज्ञातनिवेशत्वाद्यत्र मूल्यं न लभ्यते । हानिस्तत्र समा कल्प्या  
योर्द्वयोः ॥ अपरार्क p. 775.



are found in Manu.<sup>622</sup> Vasistha quotes a śloka of Prajāpati wherein Yama's view is set forth. Yama is one of the sages enumerated in the list of Yājñavalkya. Govindarāja (on Manu 5. 16) and Aparārka quote a verse of Śaṅkha wherein Yama's view that the flesh of certain birds could be eaten is referred to.<sup>623</sup> Aparārka (p. 1231) also cites a verse of Śaṅkha in which the view of Bhagavān Yama that one should save one's life in all ways (even by incurring sin) is relied upon.

In Jivananda's collection (part I. pp. 560-568) there is a smṛti of Yama in seventy-eight verses on prāyaścitta and purification (śuddhi). In the smṛti Yama himself is cited in the third person (verse 65). One verse (33) refers to the view of Bhāsvati (son of the Sun, by which may be meant either Manu or Yama himself).<sup>624</sup> Some of the verses are identical with those of Manu (e. g. verses 26, 28 are the same as Manu 11. 178 and 3. 19). Verse 44 is in the Upajāti metre. In the Ānandāśrama collection there is a Yamasmṛti in 99 verses on prāyaścitta, śrāddha and purification. Most of the topics of this smṛti are the same as those of the Calcutta text, but most of the verses are not identical. A few

622 अथापि यमगीताञ्चलोकानुदाहरन्ति । श्मशानमेतत्प्रत्यक्षं ये शूद्राः पापचारिणः ।  
तस्माच्छूद्रसमीपे तु नाध्येतव्यं कदाचन ॥ न शूद्राय मर्तिं दद्यान्नोच्छिष्टं न  
हविःकृतम् । न चास्योपदिशेद्धर्मं न चास्य व्रतमादिशेत् ॥ यश्चास्योपदिशेद्धर्मं  
यश्चास्य व्रतमादिशेत् । सोऽसंवृत्तं तमो घोरं सह तेन प्रपद्यते ॥ वसिष्ठ 18. 13-15.  
The last two are almost the same as मनु IV. 80-81 and the first  
is a paraphrase of आर. श्रौ. 'पयु ह वा एतच्छूद्रानं यच्छूद्रः । तस्माच्छूद्र-  
समीपे नाध्येतव्यम्'. नाघोऽप्योस्ति राज्ञां वै व्रतिनां न च सत्रिणाम् ।  
ऐन्द्रस्थानमुपासीना ब्रह्मभूता हि ते सदा ॥ वसिष्ठ 19. 48 and मनु V. 93.  
'अथाप्युदाहरन्ति । अथ चेन्मन्त्रविद्युक्तः शारीरैः पङ्क्तिदूषणैः । अदुष्यं तं यमः  
प्राह पङ्क्तिपावन एव सः ॥ वसिष्ठ ॥ 11. 20; vide बृहद्यम 3. 41. धृतं वा  
यदि वा तैलं विप्रो नाद्यान्नखश्च्युतम् । यमस्तदशुचि प्राह तुल्यं गोमांसभक्षणैः ॥  
वसिष्ठ 14. 30.

623 तित्तिरिं च मयूरं च लावकं च कपिजलम् । वाघ्रीणसं वर्तकं च भक्ष्यानाह यमः  
सताम् ॥ ( सदा यमः v. 1. ) अपरार्क p. 1167.

624 ततो देवलकश्चैव भृतको वेदविकर्या । एते वर्ज्याः प्रयत्नेन एतद्वास्वतिरब्रवीत् ॥

Compare मनु 3. 180.



verses are found in both, e. g. the verses about the seven lowest castes<sup>625</sup> ( *antyajas* ). Verse 11 quotes the view of Śātātapa. This Smṛti contains the well-known text that a woman passes on marriage into the *gotra* of her husband, which is cited by the Mit. ( on Yāj. I. 254 ).<sup>626</sup> In the same collection there is a smṛti of Brhad-Yama ( pp. 99-107 ). It is divided into five chapters and contains 182 verses. It deals with *prāyaścittas* for various lapses, purification from various kinds of contacts ( *śuddhi* ), *śrāddha*, partition and a few matters of medical procedure. In this smṛti Yama is frequently cited by name. Śātātapa is cited on partition ( V. 20 ). Many of the verses of this text are identical with those of Yama in Jivananda's text. For example, Jivananda ( p. 561 ) verses 15-17 are the same as Brhad-Yama III. 1-3, Jivananda p. 563 verses 29-33 are the same as Brhad-Yama III. 34-38, Jivananda verses 35-36 are the same as Brhad-Yama III. 16-17. The verse in the Upajāti metre, Jivananda 44 ) is Brhad-Yama III. 61. Two of the verses at the end of chap. V. are the same as Yāj. II. 17 and 23.

The numerous mss. of Yama contain either one or other of the above three texts or different texts bearing on the same topics. For example, the Govt. Mss. Collection at the Bhandarkar Institute, Nos. 209-211 of A 1881-82 and No. 153 of 1895-1902 are the same as the Yamasmṛti in the Ānandāśrama collection. No. 401 of 1891-95 seems to be the same as Brhad-Yama in the Ānandāśrama collection. But the I. O. Cat. No. 1334 p. 390 contains 37 ślokas, the last 20 of which are in the Indravajrā metre.

Viśvarūpa, Vijñāneśvara, Aparārka, the Smṛticandrikā and other later works quote over three hundred verses of Yama on all topics of dharmaśāstra including *vyavahāra*. This establishes that they had an extensive work of Yama before them from which it is probable that various abridgments corresponding with the printed works were made. Viśvarūpa quotes about ten verses of Yama on water as purifier ( on Yāj.

625 रजकश्चर्मकारश्च नटो बुद्ध एव च । कैवर्तमेदभिज्ञाश्च सप्तैते अन्यजाः स्मृताः ॥  
Jivananda verse 54, Ānandāśrama verse 33.

626 स्वगोत्राद्भ्रश्यते नारी विवाहात्सप्तमे पदे । स्वामिगोत्रेण कर्तव्यास्तस्याः  
पिण्डोदकक्रियाः ॥ verse 78.



I, 187 ), on śrāddha ( on Yāj. I 225 and 252 ) and on prāyaścitta for killing a cow ( on Yāj. III. 262 ). The identical verses are not found in the printed texts. Some of the verses quoted from Yama in Aparārka and the Smṛticandrikā can be traced in the printed text. For example, Aparārka ( p. 42 ) quotes a verse of Yama in which Yama himself is referred to as an authority.<sup>627</sup> It occurs in Jivananda's text ( verse 65 ). The two verses in Jivananda's text ( verses 26, 28 ) that are identical with Manu are cited in the Smṛticandrikā as Yama's. Aparārka p. 1135 quotes a prose passage of Yama, यमः- वृक्षलतागुल्मछेदने वृद्धकृच्छकः फलवतां प्राजापत्यम्:- Two verses of Brhad-Yama ( III. 20-21 ) about the proper age of marriage in the case of girls are quoted as Yama's in the Smṛticandrikā.<sup>628</sup> In some of the verses quoted by Aparārka from Yama, the opinions of Manu are cited which can be identified with the views of the Manusmṛti. For example, according to Yama food polluted by the touch of hair, moths and insects, or seen by sinners and women in their courses is purified by water, holy ashes etc.<sup>629</sup> This refers to Manu V, 125. Similarly, the Smṛticandrikā quotes a verse of Yama which says that according to Manu those who administer poison, who are incendiaries and robbers and those guilty of homicide and abetment thereof should pay the extreme penalty of death.<sup>630</sup> Aparārka ( p. 988 on Yāj. III. 109 ) quotes five verses of Yama which refer to the 26 *tattvas* well-known in the Sāṅkhya system, regard Puruṣottama as a 26th *tattva* and propound that he who correctly understands the 25 *tattvas*, in whatever āśrama he may be, reaches the highest abode of Viṣṇu. Aparārka quotes a few prose passages from Yama on the garments to be worn by brahmacārins,<sup>631</sup> on prāyaścitta

627 अपः करनखस्पृष्टा य आचामति वै द्विजः । सुरां पिबति स व्यक्तं यमस्य वचनं यथा ॥ This is attributed to यम in the स्मृतिच० also.

628 अष्टवर्षा भवेद्वैरी नववर्षा च रोहिणी । दशवर्षा भवेत्कन्या अत ऊर्ध्वं रजस्वला ॥ प्राप्तिं द्वादशमे वर्षे कन्या यो न प्रयच्छति । मासि मासि रजस्तस्याः पिता पिबति शोणितम् ॥ स्मृतिच० ( आह्निक p. 79 ).

629 अवक्षुतं केशपतङ्गकीटैरुदक्यया वा पतितैश्च दृष्टम् । अलातभस्मान्बुहिरण्यभागैः संस्पृष्टमन्नं मनुराह भोज्यम् ॥ अपरांक p. 267.

630 विषामिदायकाश्चोरा घातकाश्चोपघातकाः । स्वशरीरेण दण्डयाः स्युर्मनुराह प्रजापतिः ॥ स्मृतिच० ; vide मनु. 9. 278.

631 सर्वेषां रौरवशाणक्षौमाविकानि सामर्थ्यादधोवस्त्राणीतराणि न । अपरांक p. 58.



for killing various kind of birds and insects, for cutting trees and bushes, for drinking wine, for stealing gold and for the other deadly sins etc.<sup>632</sup>

The Anuśāsanaparva of the Mahābhārata ( Chap. 104 verse 72 ) states that those who are conversant with ancient times recited verses ( *gāthās* ) of Yama and then follow 84 verses which are more or less like verses found in several smṛtis e. g. the verse 'ūrdhvam prāṇā...pratipadyate' occurs as Anuśāsana 104. 64-65 ( and is Manu II. 120 ); so also 'Dūrādāvasathān ..dūre kāryam hitaiṣiṇā'. This is Anuśāsana 104. 82 (Manu IV. 151). The verse Ācārāllabhate hyāyur-ācāro hantyalakṣaṇam' ( Anu. 104. 155 ) occurs in Manu IV. 156. It is possible that the final redactor of the Mahābhārata had before him a Smṛti ascribed to Yama or it is likely that a few verses ascribed to Yama were first cited and the author of the Epic added a few more from other sources. Yama is profusely quoted in the various Kāṇḍas of Kalpataru.

The Smṛticandrikā quotes a verse of Yama which speaks of the Sun being in the zodiacal sign Virgo.<sup>633</sup>

Yama required the king to look into the disputes of litigants carefully and impartially.<sup>634</sup> Yama cites the authority of Manu for the proposition that everything brought about by coercion such as a gift or a deed was liable to be set aside.<sup>635</sup> This is almost identical with Manu 8. 168. Yama lays down that a Brāhmaṇa was never to be awarded corporal punishment, but that a Brāhmaṇa guilty of crimes was to be imprisoned and made<sup>636</sup> to work. Yama like Yāj. ( II. 145 ), prescribed that the strīdhana of a woman married in the Āsura

632 Vide pp. 1130, 1135, 1218, 1222.

633 हंसे वर्षासु कन्यास्थे &c. स्मृतिच० ( p. 366 Gharpure ).

634 राजा मन्त्रिसहायस्तु द्वयोर्विवदमानयोः । सम्यक्कार्याण्यवेक्षेत रागद्वेषविवर्जितः ॥ अपरार्क p. 596.

635 बलादुक्तं बलाद्भुक्तं बलाद्यच्चापि लेखितम् । सर्वान् बलकृतानर्थान् निवर्त्यानाह वै मनुः ॥ 636 स्मृतिच० ( व्य. p. 130 ).

636 न शारीरो ब्राह्मणस्य दण्डो भवति कर्हिचित् । गुप्ते तु बन्धने बद्ध्वा राजा भक्तं प्रदापयेत् ॥ ... यथापराधं विप्रं तु विकर्माण्यपि कारयेत् ब्राह्मणा गावो लोकेऽस्मिन् वेदिकी श्रुतिः ॥ स्मृतिच० ( व्य. p. 316 )



form went to her father<sup>637</sup> if she died childless. Aparārka ( p. 822 ) quotes two verses of Yama that prescribed the first amercement for him who, though forbidden, wrongfully takes the water of a lake or disturbs a water-course and the highest amercement for him who breaks a lake. Aparārka ( p. 860 ) also cites Yama for the fine of five kṛṣṇalas in the case of adultery with another's wife of the same caste as that of the paramour and twelve paṇas in case the wife is of a lower caste. The Smṛticandrikā and the Vyavahāramayūkha on the other hand direct that the king should punish the Brāhmaṇa woman guilty of adultery with a Śūdra by throwing her to dogs and by forcible tonsure and riding on an ass in case of adultery with a Kṣatriya or Vaiśya. The Smṛticandrikā, Parāśara-Mādhaviya and Vyavahāramayūkha quote a verse of Yama about a debtor, who, being able to pay, does not want-only pay, being punished by taking twice the amount. Yama remarks that the order of Saṁnyāsa is not allowed to women in the Vedas or in the śāstra<sup>638</sup> ( dharmaśāstra ) and that her real dharma is to be the mother of children from one of her own caste.

Verses of Bṛhadyama are cited<sup>639</sup> by the Mit. on Yāj. III. 255, 260, 289 and by Aparārka, who, on p. 496, quotes also from Laghuyama a verse and a half.

Yama is cited 46 times in the Kalpataru ( Brahmacāri-Kāṇḍa ) and 13 times in the Mokṣakāṇḍa ( in which it quotes 70 verses ). In Brahmacāri° ( pp. 23-24 ) it cites two verses of Yama in which the names of twenty Dharmaśāstrakāras are given including the name of Yama himself and it is added that they are extremely authoritative and should not be nullified

637 आसुरादिषु यद् द्रव्यं विवहेषु प्रदीयते । अप्रजायामतीतायां पितैव तु धनं हरेत् ॥ स्मृतिच० ( व्य. p. 288 ). Note अप्रजायामतीतायां which is the reading in विश्वरूप ( p. 172 above ).

638 स्त्रियाः श्रुतौ वा शास्त्रे वा प्रव्रज्या न विधीयते । प्रजा हि तस्याः स्त्री धर्मः सवर्णादिति धारणा ॥ स्मृतिच० ( व्य. p. 254 ).

639 मयभाण्डस्थितं तोयं यदि कश्चित् पिबेद् द्विजः । कुशमूलविपक्वेन त्र्यहं क्षीरेण वर्तयेत् ॥ बृहयम q. by मिता. on III. 255 ; vide अपरार्क p. 107 who quotes बृहयम as सुराभाण्डस्थितं तोयं यदि कश्चित्पिबेद् द्विजः । स द्वादशाहं क्षीरेण पिबेद् ब्राह्मीं सुवर्चलाम् ॥

(lit. killed) by mere ratiocination ( *tānyevātipraṇītāni na hantavyāni hetubhiḥ* ) we should read 'atipramāṇāni for atipraṇītāni ). On pp. 243, 270 there are prose passages. On p. 24, it quotes two Upajāti verses. In the Mokṣakāṇḍa Lakṣmīdhara quotes on pp. 101, 102 five verses of Yama which set out the eight prakṛtis of the Sāṅkhya system and the 16 vikṛtis thereof, the 25th *tattva* viz. 'avyakta' and adds Puruṣottama or Viṣṇu as the 26th ( *pañcaviṁśakam-avyaktam ṣaḍviṁśaḥ puruṣottamaḥ | Pañcaviṁśatitattva-jño, Yāti Viṣṇoḥ param padam ||* ). In Śrāddhakāṇḍa Lakṣmīdhara quotes about 150 verses of Yama ( 17 on pp. 64-65 and 19 on pp. 82-83 ). Vyavahārakāṇḍa quotes about 47 verses of Yama.

### 51. Laugākṣi

Laugākṣi is mentioned among the 36 expounders of Dharmaśāstra set out by Paiṭhīnasi ( on p. 1 of Smṛ. Ch. ) and Aṅgiras quoted on the same page includes Laugākṣi among Upasmṛtis.

The Mit. ( on Yāj. III, 1-2, 260, 289 ) quotes verses of Laugākṣi on āśauca and prāyaścitta. Aparārka quotes nine prose passages ( pp. 28-29, 33, 122, 145, 166, 176 and 530 ) on ācāra including Śrāddha and ten verses on ten pages on Ācāra, Āśauca and the order of forest hermits and one very long prose passage on p. 1227 ( covering half a page ). On p. 542 Aparārka quotes a verse of Laugākṣi in which Prajāpati is mentioned as an authority. The Mit. on Yāj. II. 118-119 quotes the definitions of 'Yoga' and 'Kṣema' given by Laugākṣi and which are declared to be not liable to partition by coparceners ( acc. to Manu IX. 219 ), even if they be acquired by detriment to the parental estate. Those definitions of Yoga and Kṣema are quoted by many works and writers on Vyavahāra such as the Smṛticandrikā ( on Vy. p. 277 ), Par. M. Vol. III. p. 563. Vide H. of Dh. Vol. III. pp. 588-589 for different meanings of the two words.

It is remarkable that Aparārka quotes from Laugākṣi prose and verse passages ten times each. On pp. 1227-28, a long prose passage of Laugākṣi is quoted about Kūṣmāṇḍa homa ( for which see H. of Dh. vol. IV p. 43 n. 102 ).



Maskarin on Gaut. Dh. S. appears to quote Laugākṣi as Lokākṣi. On Gaut. 10. 42 (about the finding of treasure trove) Lokākṣi is quoted as 'anubhūticihnāni muṣitvā gr̥hṇataḥ pūrvasāhasam daṇḍaḥ tad-dravya dviguṇam ca rājā haret'. Maskarin quotes verses of Lokākṣi on Gaut. 14. 1, 15. 1; 22, 18 (three verses on prāyaścittas for killing a person of *pratiloma* caste and others also). Kalpataru quotes Laugākṣi frequently e. g. on Br. Kāṇḍa Laugākṣi is quoted five times (all prose); Kalpa° (on Śrāddha) p. 98 defines 'Agredidhuṣu and didhiṣū'.

## 52. Viśvāmitra

Viśvāmitra is one of the writers on dharma enumerated by Vṛddha-Yājñavalkya as quoted by Viśvarūpa. Aparārka, the Smṛticandrikā, the Kālaviveka of Jīmūtavāhana and other works quote verses of Viśvāmitra on almost all topics of dharma except vyavahāra, such as on the five deadly sins, on śrāddhas, prāyaścitta etc. Viśvāmitra defines dharma as that which is esteemed by Āryas (respectable people) who know the Vedas.<sup>640</sup> Aparārka quotes 18 verses from Viśvāmitra on Prāyaścitta and the Smṛticandrikā also quotes several verses of his Kalpataru (on Brahmacāri°), cites Yāj. I. 14 (Garbhāṣṭame &c.) as occurring in Viśvāmitra also. Similarly Kalpataru (on Naiyatakāla p. 314) states that Yāj. I. 179 (prāṇātyaye &c.) also occurs in Viśvāmitra's Smṛti. His verses on the mahāpātakas are frequently quoted.<sup>641</sup> The Madras (Govt.) Mss. cat. (p. 1985 No. 2717) notices a Smṛti of Viśvāmitra in verse in nine chapters.

## 53. Vyāsa

In Jivananda (part II, pp. 321-342) and in the Ānandāśrama collection of smṛtis there is a smṛti ascribed to Vyāsa (pp. 357-371). The two texts are the same with a few variations. It is in four chapters and contains about 250 verses. Vyāsa is said to have declared the Smṛti in Benares.

640 यमार्थाः क्रियमाणं तु शंसन्त्यागमवेदिनः । स धर्मो यं विगर्हन्ति तमधर्मं प्रचक्षते ॥ स्मृतिच० (आहिक p. 6).

641 ब्राह्मणो न च हन्तव्यः सुरा पेया न च द्विजैः । ब्राह्मणस्वर्णहरणं न कर्तव्यं कदाचन ॥ गुरुपत्नीं न गच्छेच्च संसर्गं तैश्च नाचरेत् । महापातकिसंज्ञां निदिष्टैषा मनीषिभिः ॥ अपरार्क p. 1044.



The contents briefly are:— the dharmas herein laid down prevail only in that region where the black deer roam about; the authoritativeness of śruti, smṛti and purāṇas; mixed castes; sixteen saṁskāras; duties of *brahmacārī*; marriage; a Brāhmaṇa may marry Kṣatriya or Vaiśya girl but not Śūdra; duties of a wife; the *nitya*, *naimittika* and *kāmya* acts of householders, eulogy of the householder stage and of gifts.

Viśvarūpa quotes a few verses of Vyāsa. They are mostly taken from the Mahābhārata and are concerned with topics of marriage, daily duties (such as washing the teeth and bathing), śrāddha and prāyaścitta. Similarly Medhātithi quotes several verses from the Mahābhārata as Vyāsa's. Kalpataru quotes Vyāsa about 80 times on Vyavahāra, 16 times in Gr̥hastha, 3 times on Rājadharmā. Viśvarūpa on Yāj. II. 121 (part 2, p. 121) quotes three verses of Vyāsa on theft, the 2nd and 3rd of which say 'on acquiring by theft one *suvarṇa*, one cow or even one fingerbreadth of land from the best of brāhmaṇas (the thief) certainly receives bodily punishment' (or death sentence); and 'by gift or theft the reward (or result) is middling or lowest or highest, depending on the extent of the thing donated and the worth of the donee'. Maskarin on Gaut. 23. 2 quotes Vyāsa's verse<sup>642</sup> (i. e. Mahābhārata, Udyogaparva, 59. 5, that both Keśava (Kṛṣṇa) and Arjuna were seen drunk (having drunk sweet liquor), who had applied sandalwood paste to their bodies and who lay down on the same bed. Kalpataru (Gr̥hasthakāṇḍa p. 302)<sup>643</sup> speaks of only five *Yamas* and five *Niyamas* (as quoted below), while the Yogasūtra also names five *Yamas* and five *Niyamas*, but Yāj. III. 312-313 and Vaik. Smārtasūtra IX. 4 enumerate ten *yamas* and ten *niyamas*; vide H. of Dh. Vol. V.

642 मस्करिन् quotes व्यास 'उभौ मध्वासवक्षीबावुभौ' चन्दनचर्चितौ । एकपर्यङ्क-  
शयनौ दृष्टौ मे केशवार्जुनौ ॥ In the Ch. ed. this is read as उभौ  
मध्वासवक्षीबावुभौ चन्दनरूषितौ । ... नैकरत्नविचित्रं तु काञ्चनं महदासनम् ।  
विविधास्तरणाकीर्णं यत्रासातामरिन्दमौ ॥ उद्योगपर्व 59. 5-6. (Ch. ed.).

643 अहिंसा सत्यवचनं ब्रह्मचर्यमकल्कता । अस्तेयमिति पञ्चैते यमाश्चैव व्रतानि च ॥  
अक्रोधो गुरुशुश्रूषा शौचमाहारलाघवम् । अप्रमादश्च नियमाः पञ्चैवोपब्रवीत  
च ॥ कल्प० गृहस्थ० p. 302. ब्रह्मचर्य here is explained as प्रतिपिबिभृशम्  
वर्जनम् and अकल्कता० as दम्भरहितत्वम् by कल्प० .



p. 946 n. 1525 and pp. 1419-21 for these. Vyāsa says<sup>644</sup> 'nobody is a friend or foe of *anybody*; friends and enemies arise on account of power'. Vyāsa refers to the opinion of some that one should not marry a girl of the same *gotra* as that of one's mother (in her maiden state). Vyāsa and Brhaspati provide that aged parents, a virtuous wife and a son who is a child must be given maintenance even by taking to condemned means of livelihood. A *brāhmaṇa* should not hanker after gifts; he may collect them only for his livelihood; a *brāhmaṇa* taking more than what is required for his maintenance incurs degradation. In Aparārka, the Smṛticandrikā and other works about two hundred verses of Vyāsa are cited on vyavahāra. From these it appears that Vyāsa dealt with rules of procedure and the several titles of law (vyavahāra-padas) and that his doctrines closely agreed in most respects with those of Nārada, Kātyāyana and Brhaspati. He gives rules on the four kinds of *uttara* (mithyā, sampratipatti, kāraṇa and prān-nyāya), divides documents into three varieties (svahasta, jānapada, rājaśāsaṇa), divides *laukika* documents into eight sub-varieties (just as Kātyāyana seems to have done); Yāj. (I. 316-318) provides that when a king makes a grant of land or of a permanent right to receive a certain sum of money or a certain part of goods, he should inscribe on a piece of cloth or on a copper plate the details of the grant with his seal. Brhaspati (four verses quoted by Aparārka on pp. 579-580) deals more elaborately with the same matter and Aparārka quotes about eight verses of Vyāsa, one of which prescribes that the grant should record in it the merit for the grantor and his successors who continue the grant, and heaven for 60000 years, and hell for the same length

644 न कश्चित्कस्यचिन्मित्रं न कश्चित्कस्यचिद्विपुः । सान्त्थ्ययोगाज्जायन्ते मित्राणि रिपवस्तथा ॥ कल्प० (on राजधर्म) p. 97; vide शान्तिपर्व 138. 110 न कश्चित् ... चित्सुहृत् । अर्थतस्तु निबध्यन्ते ... स्तथा ॥ ; सगोत्रा मातुरप्येके नेच्छन्त्युद्वाहकर्मणि । जन्मनाम्नोरविज्ञान उद्वेहेदविशङ्कितः ॥ p. 9 गृहस्थ० (कल्प०) ; वृद्धौ च मातापितरौ साध्वी भार्या सुतः शिशुः । अप्यकार्यशतं कृत्वा भर्तव्या मनुरबवीत् ॥ बृहस्पतिव्यासौ in गृह० (कल्प०) p. 229. अकार्यशत means निन्दिता वृत्तयः ; प्रतिग्रहरुचिर्न स्याद्यानार्थं (यात्रार्थं) तु समाहरेत् । स्थित्यर्थादधिकं गृह्णन् ब्राह्मणो यात्यधोगतिम् ॥ p. 249 गृह० (कल्प०) .



of time for him who resumes it.<sup>645</sup> Vyāsa lays down that if a stranger enjoys a person's land for twenty years when the king is there (i. e. when there is no revolution or anarchy) and when the owner is able (to resist) the latter loses his property.<sup>646</sup> He speaks of adverse possession as having five characteristics.<sup>647</sup> He mentions seven kinds of sureties, while Hārīta and Kātyāyana speak of only five and Brhaspati of four. He speaks of only five kinds of ordeals. He defines a *niṣka* as equal to 14 *suvarṇas*, a *suvarṇa* being equal to eight *palas*.<sup>648</sup> Vyāsa seems to represent a middle stage in the evolution of the rights of the widow to succeed to her deceased husband. He says that a woman was to get a maximum of two thousand ( *kārṣāpaṇas* ) from the estate of her deceased husband.<sup>649</sup> ( besides what he gave her when living ). Vyāsa gave to the father and sons equal share in ancestral property and allowed partition even against the wish of the father.<sup>650</sup> From these important characteristics of Vyāsa it may safely be concluded that Vyāsa flourished about the same time as Yājñavalkya and Brhaspati, i. e. between the second and the fifth century ( A. D. ).

- 645 Aparārka quotes ( p. 580 ) one of Vyāsa's verses as ' दातुः पालयितुः स्वर्गं हर्तुर्नरकमेव च । षष्टिं वर्षसहस्राणि दानच्छेदफलं लिखेत् ॥ The स्मृतिच० ( on व्यवहार p. 56 ) remarks that another verse also should be included in the grant as Vyāsa recites viz. सामान्योऽयं धर्मसेतुर्नृपाणां काले काले पालनीयो भवद्भिः । सर्वानेतान्भाविनो पार्थिवेन्द्रान् भूयो भूयो याचते रामचन्द्रः ॥ '. These two verses, ' षष्टिं वर्षसहस्राणि ' and ' सामान्योऽयं ' &c., occur in many grants; vide, for example, H. of Dh. vol. II pp. 1272-1277 for 43 verses among which the two verses set out here are Nos. 2 and 10.
- 646 वर्षाणि विंशतिर्यस्य भूर्भुक्ताथ परैरिह । सति राशि समर्थस्य तस्य सेह न सिध्यति ॥ अपरार्क p. 632.
- 647 सागमो दीर्घकालश्च छेदोपाधिविवर्जितः । प्रत्यर्थिसनिधानश्च पञ्चाङ्गो भोग उच्यते ॥ अपरार्क p. 635.
- 648 पलान्यष्टौ सुवर्णस्य सुवर्णाश्च चतुर्दश । एतन्निष्कप्रमाणं तु व्यासेन परिकीर्तितम् ॥ स्मृतिच० .
- 649 द्विसाहस्रः परो दायः स्त्रियै देयो धनस्य च । यच्च भर्त्रा धनं दत्तं सा यथाकाममाप्नुयात् ॥ अपरार्क p. 752.
- 650 कमागते गृहे क्षेत्रे पितृपुत्राः समांशिनः । पैतृकेण विभागार्हाः पुत्राः पितॄन् निच्छतः ॥ अपरार्क p. 728.





In Aparārka and other works there are numerous verses attributed to Vyāsa which are certainly not taken from the Mahābhārata or from the Vyāsa-smṛti in the Ānandāśrama collection ( pp. 357-371 ). For example, on Yāj. I. 12 he cites a verse of Vyāsa in the Vasantatilakā metre about the auspicious asterism for *caula* and another verse laying down Saturday, Sunday and Friday as not suitable for *caula*. Similarly, Vyāsa's verses dealing with the merit of bathing on Sunday, Monday, Tuesday and Wednesday in conjunction with certain *tithis* are cited by Aparārka ( p. 213 ). Vyāsa speaks of śrāddhas when the Sun is in the sign of Virgo ( Aparārka p. 424 ). These indications are sufficient to assign Vyāsa to a comparatively later date. But, as Aparārka evidently makes no distinction between Vyāsa the jurist, Vyāsa, the reputed compiler of the Mahābhārata ( e. g. he quotes on p. 961 six verses of the Bhagavadgītā as Vyāsa's ) and Vyāsa who wrote on the saṁskāras, śrāddha and other topics, it appears that the jurist and the writer on other topics of dharma were separated from him by several centuries. Whether the jurist and the writer on other topics of dharma are identical is a difficult problem. The Mit. also appears to identify Vyāsa of the Mahābhārata with the jurist. For example, on Yāj. III. 253 it refers to 'Ubhau Madhvāsa's ( Udyogaparva 58. 5 ) applied to Kṛṣṇa and Arjuna and explains that all intoxicants were not forbidden to Kṣatriyas but only wine prepared from flour. The Mit. on Yāj. II. 283 ( on 'Strisaṅgrahaṇa' ) quotes three verses and a half on the three kinds of that juridical topic. No one has so far identified these verses in the Mahābhārata. The Mit. appears to make no distinction between the two. The Kalpataru ( on Vy. pp. 577-579 ) quotes with slight variations the same verses and also sets forth similar verses of Brhaspati. Aparārka ( pp. 854-55 ) and Smṛticandrikā ( Vy. p. 8 ) also quote the same verses as Vyāsa's ( with slight variations. ). All that can be said is that the two may probably be identical. The Smṛticandrikā quotes a Gadya-Vyāsa<sup>651</sup> and quotes about 450 verses of Vyāsa on āhnikā, vyavahāra and prāyaścitta.

651 It adds in Yamatarpaṇa the following : ' यमाय धर्मराजाय सवि  
चान्तकाय च । वैवस्वताय कालाय सर्वभूतक्षयाय च ॥ एभिः सप्तभिर्नमस्कृत्य ॥



The Smṛticandrikā<sup>652</sup> quotes several interesting verses of Laghu-Vyāsa that condemn somewhat severely and uncharitably the memorizing of the Veda without understanding the meaning. A few verses are quoted below. It may be noted that the Nirukta I. 18 (several centuries before Christ), by quoting a verse 'a man who memorizes the Veda but does not know the meaning is like a stump of a tree, a mere carrier of a burden' condemned mere learning of the Veda by heart in very similar words (Sthāṇur-ayam bhārahārah kilābhūt &c.) Dakṣa (in II. 34) states that the study of Veda has five aspects viz. first to commit it to memory, then to think over its meaning, then to repeat it often, its *japa* and to pass it on to pupils.

Aparārka quotes a verse of Vṛddha-Vyāsa on Saudāyika, a kind of *strīdhana*. The Mit., the Prāyaścitta-mayūkha and other works cite verses of a Brhad-Vyāsa. Ballālasena in his Dānasāgara quotes Mahā-Vyāsa and Laghu-Vyāsa as authorities and also Dāna-Vyāsa, which probably means the dāna-dharma portions of the Mahābhārata.

Dr. Batakriśna Ghosh collected from fourteen works (such as Aparārka's commentary, Mitākṣarā, Dāyabhāga, Parāśaramādhaviya, Smṛticandrikā, Vyavahāramātrkā, Vyavahāramayūkha &c.) 268 verses of Vyāsa on judicial procedure and the substantive law and published them in 'Indian Culture' Vol. IX. pp. 65-98 (with references at the bottom of the pages). They relate to the king as judge, the qualifications of the Judge and the members of the Court, the plaint,

(Continued from the previous page)

मन्त्रैः सप्तोदकं दद्यात्सर्वपापैः प्रमुच्यते-इति गद्यव्यासस्मरणात् ।'. The same work on p. 224 (Āhnika) states : अत्र गद्यव्यासः "ततस्तृप्तः सन् 'अमृतापिधानमसि' इति प्रादय तस्माद्देशान्मनागपसृत्य विधिवदाचमेत्' इति " ।

- 652 Some of the verses of लघु-व्यास are quoted here : न वेदपाठमात्रेण सन्तोषं कारयेद् बुधः । पाठमात्रावसायी तु पङ्के गौरिव सीदति ॥ यथा पशुर्भारवाही न तस्य भजते फलम् । द्विजस्तथार्थानभिज्ञो न वेदफलमश्नुते ॥ यो धीत्य वेदविश्विरो वेदार्थं न विचारयेत् । स सान्वयः शूलसमः पात्रतां न प्राप्नुते ॥ स्मृतिच० (आह्निक) p. 48 ; vide परा. मा. 1. 1. p. 151 for two verses it quotes from Kūrma-purāṇa I. 2. 14, 86, 88.



the reply, proof and burden of proof, documents; the judgment, eight different kinds of documents such as *cāraka*, *ādhipatra*, *krayapatra*; examination of documents; possession and title; witnesses and pointing out their faults; ordeals; interest; mortgage and pledge; debts and persons liable to pay debts; sureties; several titles of law; abuse and defamation; crimes of violence; thieves and robbers; adultery and other wrongful acts about women; punishments; duties of women and wives; partition of family property; *strīdhana* (woman's property).

Some of the verses quoted as Vyāsa's occur elsewhere e. g. verse 11 ( of the above collection 'na sā sabhā...viddham' occurs in Nārada III. 18 and is quoted as Vyāsa's in Aparārka ( p. 604 ). Similarly, the verse ' na narmayuktam vacanam hinasti ( No. 111 in the list of Dr. Batakriśna Ghosh ) quoted by the Smṛticandrikā ( Vy. p. 89 ) as Vyāsa's occurs in the Mahābhārata ( Ādi. 82, 16 and Śāntiparva 165. 30 ). Verse 129 ( Ādityacandrāvanilo which is the *mantra* to be employed in ordeals ) occurs in Ādiparva 74. 30. No. 140 of the collection by Dr. Ghosh defines *niṣka* as equal to fourteen *suvarṇas*.<sup>653</sup> The Mit. on Yāj. I. 72 provides that a wife who drinks wine, who is guilty of adultery with the husband's pupil or *guru*, who kills her husband and particularly one who has intercourse with a man of a degraded caste ( such as a shoemaker ) should be abandoned.<sup>654</sup> So, whoever might have been the author of the Vyāsasmṛti he incorporates some verses from the Mahābhārata therein.

#### 54. Śaṭ-triṃśan-mata

The title literally means 'the doctrines of thirty-six ( Smṛtis )'. This appears to have been a work like the Caturviṃśatimata. It has been stated above that Pāṭhīnāsi enumerated thirtysix propounders of Dharma ( vide Smṛticandrikā p. 1 ). Quotations from Śaṭ-triṃśan-mata cited in the


653 पलान्यष्टौ सुवर्णस्य सुवर्णाश्च चतुर्दश । एतन्निष्कप्रमाणं तु व्यासेन परिकीर्तितम् ॥  
quoted by स्मृतिच० ( व्यव० ) p. 99, परा. मा. ( व्यव० ) p. 158.

654 चतस्रस्तु परित्याज्याः शिष्यगा गुरुगा च या । पतिधनी च विशेषेण जुञ्जितो-  
गता च या ॥ व्यास q. by मिता. on या. I. 72. This is वसिष्ठ-  
धर्मसूत्र 21, 10.

Mitākṣarā are prose passages on Yāj. III. 265 and about 23 verses on the third section of Yāj. Smṛti and Aparārka also has one prose passage on p. 1196 and about 37 verses on two sections viz. *ācāra* and *prāyaścitta*. Both these digests cite no passage of the Ṣaṭ-trimśan-mata on Vyavahāra. It appears that the Kalpataru was aware of the existence of this work but regarded it as unauthoritative, since it was accepted only by a few and was contradicted by others, as stated in the Brahmacārikāṇḍa of Kalpataru (p. 26).<sup>655</sup> The prose quotation in the Mit. on Yāj. III. 265 from the Ṣaṭ-trimśan-mata is a long one and provides the penances for adultery by a woman of the four varṇas with a male of a varṇa different from each of them. Aparārka quotes a prose passage (on p. 1196) from this work which provides a penance for touching the corpse of a cāṇḍāla or for occupying the same vehicle, seat or bed with the latter.

The fact that Viśvarūpa and Medhātithi do not mention this work, taken along with the above statement of Mitramiśra may be relied upon for holding that this compilation must have been among the latest products of the age of smṛtis and was probably compiled some time between 790-909 A. D. Almost all the quotations from this compilation are concerned with the topics of purification of substances (śuddhi), śrāddha and prāyaścittas for sins and pollutions of various sorts. No verse of this compilation dealing with vyavahāra could be discovered. One verse quoted from it prescribes a bath on touching Bauddhas, Pāsupatas, Jainas, atheists and followers of Kapila.<sup>656</sup> Another verse quoted by Aparārka cites the

655 यत्तु षट्त्रिंशन्मतादि तत्कैश्चिदेव परिगृहीतत्वाद्विज्ञानाच्च प्रमाणम् । p. 26 of ब्रह्मचारिकाण्ड of कल्पतरु. This makes no sense. The editor would have corrected it if he had carefully read the note 475 of the first edition of the H. of Dh. That note cited from the Viramitrodaya said : 'षट्त्रिंशन्मतादिकं तु कैश्चिदेव परिगृहीतत्वाद्विगृहीतत्वादप्रमाणमित्युक्तं कल्पतरुणा । विज्ञानेश्वरापरार्कश्लेषाणिप्रभृतिभिरतु प्रमाणत्वेन परिगृहीतम् । p. 17 of परिभाषाप्रकाश of the वीरमित्रोदय.

656 बौद्धान् पाशुपताजैनान् लोकायतिककापिलान् । विकर्मस्थान् द्विजान् स्पृष्ट्वा संचलो जलमाविशेत् ॥ स्मृतिच० 1. p. 118 ; अपरार्क p. 923 omits  and reads लोकायतिकनास्तिकान् .

view of Brhaspati.<sup>657</sup> In another verse the view of Vaivasvata is referred to.<sup>658</sup> The Vyavahāranirnaya quotes (on p. 13) two verses from Ṣaṭ-triṃśan-mata defining those that may be called Pāṣaṇḍas.<sup>659</sup> The Pṛthvīcandra (in Vyavahāraprakāśa p. 19) quotes two verses (from Ṣaṭ-triṃśan-mata which state that the words of a śūdra even if he be a learned man should not be accepted (as authoritative).<sup>660</sup>

The Mit. on Yāj. III. 288 quotes Ṣaṭ-triṃśan-mata as prescribing that if one recites śruti or smṛti in a place where a cāṇḍāla can hear it, he should take no food for one night (as a penance) and remarks that this refers to a person who does not do so knowingly. It is noteworthy that the Smṛticandrikā<sup>661</sup> on Śrāddha (p. 393) quotes two verses from a work called 'Ṣaṭ-triṃśamata' (doctrines of 26 smṛtis) as quoted below. As no ms. was available, it is difficult to say what 36 sages are relied upon as authorities.

The mit. quotes about two dozen verses from Ṣaṭ-triṃśan-mata on several verses of Yāj. viz. III 6, 17, 20, 250, 259, 263-64, 335-36 and a prose passage on Yāj. III. 265 about Kṛcchra penance.

### 55. Saṃgraha or Smṛtisamgraha

This work is frequently cited by the Mitāksarā, Aparārka, the Smṛticandrikā and other works on all topics of dharma. The quotations on vyavahāra are copious and are very im-

- 657 तिलहोमायुतं चैव पराकट्यमेव च । गायत्र्या लक्षमेकं च समान्याह बृहस्पतिः ॥  
अपरार्क p. 1249.
- 658 समुच्छिष्टस्तु यो भुङ्क्ते भुङ्क्ते वा मुक्तभोजनः । एवं वैवस्वतः प्राह भुक्त्वा  
सान्तपनं चरेत् ॥ अपरार्क p. 1174.
- 659 प्रामाण्यमेव ये वेदे न वदन्ति कुट्टयः । तेषां बौद्धार्हतादीनां पाषण्डाख्या  
प्रकीर्त्यते ॥ प्रव्रज्य वसिता ( प्रव्रज्यावसिता ) ये तु पाषण्डास्ते प्रकीर्तिताः ।  
पौरुषेयतया वेदं ( वेदे ? ) प्रामाण्यं प्रवदन्ति ये । तेषां वैशेषिकादीनां नैगमाख्या  
प्रकीर्त्यते ॥ षट्त्रिंशन्मत.
- 660 पण्डितस्यापि शूद्रस्य शास्त्रज्ञानबलस्य च । वचनं तस्य न ग्राह्यं शुनोच्छिष्टं  
हविर्यथा ॥ पृथ्वीचन्द्र ( व्यवहार० p. 19 ).
- 661 सन्निकृष्टमधीयानं ब्राह्मणं यो व्यतिक्रमेत् । भोजने चैव दाने च हन्यात् त्रिपुण्ड्रं  
कुलम् । यस्य त्वेकगृहे मूर्खो दूरस्थश्च गुणान्वितः । गुणान्विताय दातव्यं  
नास्ति मूर्खे व्यतिक्रमः ॥ षड्विंशन्मत q. by स्मृतिच० ( श्राद्ध ) p. 393.

portant for the history of Hindu Law. A few of the important views of the Saṁgrahakāra are set out below. He gives the requisite characteristics of a plaint in five verses.<sup>662</sup> According to him documents are of two kinds, rājakīya and jānapada. The ordeals from dhaṭa (balance) to poison (i. e. four) are prescribed in cases where the subject matter is of great value (i. e. above 500 paṇas), while koṣa and the (other) ordeals (in all three) are prescribed in disputes for lesser sums.<sup>663</sup> This is slightly opposed to Nārada (ṛṇādāna, verse 336), according to whom the five ordeals from tulā to koṣa were prescribed in substantial disputes. The Saṁgrahakāra has in view the seven ordeals spoken of by Nārada (ṛṇādāna verses 252, 337, 343), while Brhaspati and Pitāmaha enumerate nine. He defines dāya as the wealth that is handed down through father and mother.<sup>664</sup> He held that ownership arose from the dictates of śāstra and was not an affair of the world (*laukika*) and puts forward two reasons in support of his theory, viz. if ownership were *laukika*, then it would not be possible to make such assertions as 'his wealth has been wrongfully seized by another and the texts (vide Gautama X. 49) laying down the means of acquisition of wealth for the several varṇas would be meaningless.<sup>665</sup> Dhāreśvara held the same view. These views were elaborately criticized by the Mit. According to the Saṁgrahakāra,<sup>666</sup> partition creates ownership in the son as regards paternal wealth (in which he has no rights by birth). Dhāreśvara entertained the same opinion, which was vehemently controverted by the Mit. holding that partition takes place of that in which one has already ownership.

662 Vide मिता० on याज्ञ. II. 6, स्मृतिच० (व्य. p. 36), व्यवहारमयूख (p. 12), वीर० (p. 62).

663 धटादीनि विषान्तानि गुर्वर्थेषु दापयेत् । कोशादीनि पुनस्त्रीणि लघ्वर्थेषु यथाक्रमम् ॥ स्मृतिच० (व्य. 98); परा. मा. III. p. 153; कोशान्तानि तुलादीनि गुरुष्वर्थेषु दापयेत् ।

664 पितृद्वारागतं द्रव्यं मातृद्वारागतं च यत् । कथितं दायशब्देन तद्विभागोधुनोच्यते ॥ परा. मा. III. p. 478.

665 अस्यापहतमेतेन न युक्तं वक्तुमन्यथा । विहितोऽर्थागमः शास्त्रे यथावर्णं पृथक् पृथक् ॥ प्रतिग्रहाजिवाणिज्यशुभ्रूषाख्या यथाक्रमम् । स्मृतिच० (व्य. p. 259).

666 क्रियते स्वं विभागेन पुत्राणां पैतृकं धनम् । स्वत्वे सति प्रवर्तन्ते तस्माद्व्याप्यं पृथक् क्रियाः ॥ स्मृतिच० (व्य. p. 259 ).



According to the Saṁgraha,<sup>667</sup> ownership does not consist in being able to dispose of a thing at one's sweet will, since it is the śāstra that prescribes the proper disposal or application of all things. The Saṁgraha<sup>668</sup> laid down that the special share given to the eldest son, the practice of *niyoga* and the offering of a cow are all forbidden in the present age. Dhāreśvara also held the same view about the eldest son's rights and the Mit. also approves of it and quotes anonymously the same verse (on Yāj. II. 117). The Saṁgraha in two verses apparently following Manu 9. 182-183, lays down that, if of several full brothers one has a son, all thereby have issue and that, if one out of the several wives of a person has a son, all the co-wives may be regarded as *putravatī*. The Smṛticandrikā says that Devasvāmī explained this dictum of the Saṁgrahakāra (Smṛticandrikā, Vy. p. 289). The Saṁgraha says that the widow of a separated coparcener dying childless would inherit his whole estate if she submitted to *Niyoga* at the behests of her elders.<sup>669</sup> This was also the opinion of Dhāreśvara and was refuted according to the Smṛticandrikā by Viśvarūpa. The Mit. also criticizes this view. He names Manu in connection with the succession of a person dying without leaving any one out of the twelve kinds of sons.<sup>670</sup> He has in view Manu 9. 185. According to the Saṁgrahakāra the order of succession to a sonless man is:-- widow, the daughter who is a putrikā, mother, paternal grandmother, father, full brothers, half-brothers, the line of the father (pitṛsantati), the grandfather's line, the great-grand-father's line, other sapindas, sakulyas, the preceptor, the pupil, a fellow-student,

667 न च स्वमुच्यते तद्वत्स्वेच्छया विनियुज्यते । विनियोगोत्र सर्वस्य शास्त्रेणैव नियम्यते ॥

668 यथा नियोगधर्मो नो नानुबन्ध्यावधोपि वा । तथोद्धारविभागोपि नैव संप्रति वर्तते ॥ स्मृतिच० ( व्य. p. 266 ) ; परा. मा. III. p. 492.

669 भ्रातृषु प्रविभक्तेषु संसृष्टेभ्यस्तसु च । गुर्वादेशान्नियोगस्था पत्नी धनमत्राप्नुयात् ॥ परा. मा. III. p. 533.

गुर्वादेशान्नियोगस्थेति धोरेश्वरमतं विश्वरूपादिभिः सम्यग्दूषितत्वादुपेक्षणीयम् । स्मृतिच० ( व्य. p. 294 ).

670 अशेषात्मजहीनस्य मृतस्य धनिनो धनम् । केनेदानीं ग्रहीतव्यमित्येतन्मनुनोच्यते ॥ स्मृतिच० ( व्य. p. 290 ).





a learned Brāhmaṇa. The Mit. notes that relying on Mann ( 9. 217 ) Dhāreśvara placed the paternal grandmother after the mother and before the father (thus agreeing with the Saṁgraha). The Saṁgraha says that homicide and other offences when committed with force are called *sāhasa*.<sup>671</sup>

It will be seen from the above that the views of the Saṁgrahakāra closely agreed with those of Dhāreśvara in many respects and were not approved of by the Mit. and other later writers. In *vyavahāra* the Saṁgraha certainly marks a far more advanced stage than Yājñavalkya and Nārada, whose works do not contain the controversial questions about ownership, partition etc. As Dhāreśvara agrees very closely with the Smṛtisaṁgraha it may be argued that they were not separated by a long interval of time. It has to be also noted that Viśvarūpa and Medhātithi do not refer to the Saṁgraha. It is not unlikely that the Saṁgraha was in vogue in the territory ruled over by Bhoja of Dhārā and was therefore followed by Bhoja Dhāreśvara. Taking all things into consideration the Saṁgraha was probably compiled between the 8th and 10th centuries of the Christian era. The Smṛticandrikā no doubt says in one place that the Saṁgrahakāra follows the views of Dhāreśvara.<sup>672</sup> But this statement should not be emphasized and interpreted too literally. All that it means is that both held the same opinion. There is no intention to state that Dhāreśvara preceded the Saṁgrahakāra. Chronology was never the strong point of Indian commentators, particularly when the writers whose opinions were referred to flourished several centuries earlier. We know that Bhāruci and Dhāreśvara preceded the Mitākṣarā which names both; but the Sarasvatīvilāsa in several places ( e. g. pp. 347, 361, 383 ) says that Bhāruci cannot tolerate the view of Vijñāneśvara and also says that Dhāreśvara and Devaśvāmī follow the view of Vijñānayogin ( p. 395 ).

The Smṛticandrikā quotes several verses from the Saṁgraha on topics of śrāddha in which Gautama, Kātyāyana,

671 मनुष्यमारणादीनि कृतानि प्रसभं यदि । साहसानीति कथ्यन्ते यथाख्याम्यन्यथा पुनः ॥ स्मृतिच० ( व्य. प. 7 ).

672 संग्रहकारस्य धारेश्वरमतानुसारित्वात् ।



Parāśara, Manu, Yājñavalkya, Yama and Śaunaka are cited by name.<sup>673</sup>

The Saṁgraha or Smṛtisaṁgraha must have contained a very large number of verses, since the Smṛticandrikā alone quotes several hundred verses, from it on 'āhnikā, Vyavahāra and Śrāddha'. The Vyavahāra-nirṇaya of Varadarāja states (on p. 324) that the view of Saṁgrahakāra is relied upon by *Dhāreśvarabhāṭṭa* !

## 56. *Samvarta*

Samvarta occurs as a Smṛtikāra in the list of Yājñavalkya. He is cited on all topics of dharma by Viśvarūpa, Medhātithi, the Mit., Haradatta, Aparārka, the Smṛticandrikā and a host of other writers. Viśvarūpa quotes either wholly or in part about twenty verses of Samvarta on evening *sandhyā-vandana*, on the duties of a yati and on the prāyaścittas for theft, adultery of various kinds, deadly sins. Medhātithi quotes verses of Samvarta on Manu V. 88 and XI. 116. The Mit. quotes him on prāyaścitta and āsauca (Yāj. III. 6. 17 19 etc.). Aparārka had a large work before him and quotes about 200 verses almost all on ācāra and prāyaścitta.

A few of the views of Samvarta on topics of vyavahāra may be noted here. According to him oral testimony when in opposition to writing was to be discarded.<sup>674</sup> This is in striking agreement with section 92 of the Indian Evidence Act. He says that if houses and fields are being enjoyed (by one person as against another) when the king is there (i. e. when the central government is strong and there is no

673 For example 'याज्ञवल्क्यो विसर्गात्प्राक् पात्रमुत्तानमिच्छति । यमो विसर्जनं कृत्वा गृह्यकर्तापि शौनकः ॥ प्रीतिप्रश्नादि देवानां पूर्वं काल्यायनादयः ।' स्मृतिच० ( II. p. 484 ); compare या. I. 248. 'यस्मिंस्ते संस्रवाः पूर्वमर्घ्यपात्रे निवेशिताः । पितृपात्रं तदुत्तानं कृत्वा विप्रान् विसर्जयेत् ॥'.

674 लेख्ये लेख्यक्रिया प्रोक्ता वाचिके वाचिकी मता । वाचिके तु न सिध्येत्सा लेख्यस्योपरि या क्रिया ॥ लेख्यस्योपरि यत्साक्ष्यं कूटं तदभिधीयते । अधर्मस्य हि तद् द्वारमतो राजा विवर्जयेत् । वाचिकैर्यदि सामर्थ्यमक्षराणां विहन्यते । क्रियायां सर्वनाशः स्यादनवस्था च जायते ॥ अपरार्क pp. 691-92 and कल्पतरु ( व्यसकि pp. 172-73 ), व्यवहारप्रकाश ( of पृथ्वीचन्द्र ) p. 91.

anarchy ), then it is possession that counts and not mere writing ( i. e. possession will be protected and not mere paper title without possession ).<sup>675</sup> He lays down that no interest was to be allowed if not stipulated for in certain cases, viz., on *strīdhana* ( when used by the husband ), on interest, on deposit ( as long as it is not lost or deteriorated ) and in suretyship.<sup>676</sup> He enumerates ten wrongs ( *aparādhas* ) of which the king was to take cognisance *suo motu* without any private person's complaint, viz., restraint of the defendant ( before judgment ), obstruction of the public road, women conceiving in adultery, becoming rich without any ostensible means, destruction of a meeting hall and of trees and crops, kidnapping of maidens, sinning *Brāhmaṇas*, champerty and maintenance, destruction of the roads where tolls are to be paid, the danger of robbers, rape, injury to cows and *Brāhmaṇas*.<sup>677</sup> He prescribed that disputes were not to be investigated on the full moon and new moon day, and on the 14th and 8th *tithis*. ( Vide Par. M. Vol. II. p. 23 ).

In Jivananda's collection ( part I, pp. 584-603 ) and in the Ānandāśrama collection ( pp. 411-424 ) there is a *smṛti* of *Samvarta* in 227 and 230 verses respectively. It purports to have been declared to *Vāmadeva* and other sages by *Samvarta*. Its main contents are:— that is the religious country where the black deer roam about, rules of conduct for a *Brahmacārin*, *prāyaścittas* for various lapses on the part of a student,

675 भुज्यमाने गृहक्षेत्रे विद्यमाने तु राजानि । भुक्तिर्यस्य भवेत्तस्य न लेख्यं तत्र कारणम् ॥ परा. मा. III. p. 146.

676 न वृद्धिः स्त्रीधने लाभे विक्षेपे च यथास्थिते । संदिग्धे प्रातिभाव्ये च यदि न स्यात्स्वयंकृता ॥ स्मृतिच० ( व्य. p. 157. ) and कल्पतरु ( व्यव. p. 291 ), व्यवहारप्रकाश ( of पृथ्वी० ) p. 209.

677 आसेधं पथि भङ्गं च यश्च गर्भः पतिं विना । स्वयमन्वेषयेद्राजा विना चैव विवादिना ॥ यस्य दृश्यस्य ( ? ) संपत्तिर्न दृश्येतागमः क्वचित् । स्वय...दिना ॥ सभाभङ्गं तरुच्छेदं सस्यव्याघातमेव च । स्व... ॥ कन्यापहारकं पापं विप्रं च पातितं तथा । परार्थवादसंयुक्तं स्वयं राजा विचारयेत् ॥ षड्भागकरशुल्कार्थं मार्गभेदकमेव च । स्वराष्ट्रचौर्यभीतिं च परदाराभिमर्शनम् ॥ गोब्राह्मणनिन्दित्वं सस्यानां चैव घातकम् । दशैतानपराधांश्च स्वयं राजा विचारयेत् ॥ स्मृतिच० ( व्यव० p. 28 ), परा. मा. III. 44-45, p. 25.



duties of householder, eulogy of liberality, duties of forest hermit and samnyāsin, prāyaścittas for various sins and actions. *Samvarta* is sometimes cited as an authority ( verses 38, 123 ). He recommends the marriages of girls at the age of eight ( verse 67 ) and condemns marriage with a maternal uncle's daughter ( verse 157 ).

In a few Mss. ( e. g. I. O. cat. No. 1367 ) the *Samvarta-smṛti* comprised is different from the printed *Samvarta*.

The printed *smṛti* appears to be an epitome of a portion of the original *smṛti* of *Samvarta*. Many of the verses in the printed texts are found in *Aparārka*. For example, *Aparārka* p. 14 = *Samvarta* verse 6 ; *Aparārka* p. 693 = *Samvarta* verses 107-108 ; *Aparārka* p. 1053 = *Samvarta* verses 111-113 ; *Aparārka* p. 1094 ( eight verses out of which five ) = *Samvarta* verses 130-34. The pāda of *Samvarta* which Viśvarūpa quotes ( ardhāstamitabhāskaram ) on Yāj. I. 25 occurs in verse 6 of the printed text. This shows that the printed *smṛti* preserves very ancient material, the authenticity of which is vouched for by so early a writer as Viśvarūpa.

The Mit. quotes a *Brhat-Samvarta* ( on Yāj. III. 265 288 ).

A *Svalpa-Samvarta* is quoted in *Harinātha's Smṛtisāra*.

### 57. *Hārīta*

The verse quotations from *Hārīta* on topics of vyavahāra deserve some treatment. He defines vyavahāra as that whereby the recovery of one's own wealth and the avoidance of ( doing ) the duties peculiar to another ( caste or class ) are effected in due course of law.<sup>678</sup> He further says that that judicial proceeding is proper which is based on the dictates of dharmaśāstra and arthaśāstra, which is in conformity with the usages of respectable people and which is free from fraud.<sup>679</sup> *Hārīta* calls upon the king to know the śāstras, the

678 स्वधनस्य यथा प्राप्तिः परधर्मस्य वर्जनम् । न्यायेन यत्र क्रियते व्यवहारः स उच्यते ॥ स्मृतिच० .

679 धर्मशास्त्रार्थशास्त्रोक्तः शिष्टाचारादिलक्षणः । छलेन च व्यपेतो यः व्यवहारः स धार्मिकः ॥ स्मृतिच० .



duties of the varṇas and of the lowest castes.<sup>680</sup> He, like Nārada, said that vyavahāra had four aspects, each succeeding one prevailing against the preceding one,<sup>681</sup> viz., dharma, vyavahāra, caritra, nṛpājñā. He attached the greatest importance to writing and said that a transaction consigned to writing is effective even after great lapse of time and that he who has a writing in his hands is entitled to possession (probably in cases of mortgages and pledges).<sup>682</sup> He lays down very elaborate rules about the requisites and defects of complaints, about summoning the defendant, about the contents, faults and kinds of the defendant's reply, and about the burden of proof.<sup>683</sup> He protects long possession of property even if it originated without title provided it had lasted for three generations.<sup>684</sup> He says that the title is the decisive factor as to various kinds of possession, viz., when possession is forcibly taken by soldiers and freebooters, when a thing is stolen or kept concealed, when it was delivered through affection and friendship or when it was lent on hire, or when it was handed over for wearing or safe custody or was borrowed through friendship.<sup>685</sup> To illustrate the relation of title and possession he uses a very apt figure, viz. just as a branch cannot be seen expanding in the sky unless it is supported by the roots, so title is the root and possession is its offshoot.

680 शास्त्राणि सर्वधर्मास्तु प्रकृतीनां च भूपतिः । व्यवहारस्वरूपं च ज्ञात्वा तत्सर्व-  
माचरेत् ॥ स्मृतिच० .

681 धर्मेण व्यवहारेण चरित्रेण नृपाज्ञया । चतुष्पाद् व्यवहारोयमुत्तरः पूर्व-  
बाधकः ॥ सरस्वतीविलास p. 58 ( Mysore ed. ). Vide नारद ( Intro.  
chap. verse 10 ).

682 सुदीर्घेणापि कालेन लिखितः सिद्धिमाप्नुयात् । स्मृतिच० ; लेख्यं यस्य भवेद्वस्ते  
भोगं तस्य विनिर्दिशेत् । अपरार्क on या. II. 90.

683 Vide मिता. on या. II. 6 and 7.

684 अन्ययेनापि यद्भुक्तं पित्रा भ्रात्राथवापि च । न तच्छक्यं पराहर्तुं तृतीयं समु-  
पागतम् ॥ स्मृतिच० ; यद्विनागममत्यन्तं भुक्तं पूर्वोन्निर्भवेत् । न तच्छक्यम-  
पाहर्तुं क्रमात्रिपुरुषागतम् ॥ मिता. on या. II. 27.

985 भट्टचाटबलाद्भुक्तं हतं गुप्तमथापि वा । स्नेहप्रणयदत्तं च प्रदत्तं भाटकेन वा ॥  
तथा वसनरक्षार्थं याचितं प्रणयेन वा । एवं बहुविधे भोगे आगमो  
स्मृतः ॥ न मूलेन विना शास्त्रा अन्तरिक्षे प्ररोहति । आगमस्तु भवेन्मूल-  
शास्त्रा प्रकीर्तिता ॥ स्मृतिच० .



According to him sureties are of five kinds,<sup>686</sup> *abhaya* ( for keeping the peace ), *pratyaya* ( for confidence ), *dāna* ( return of money or carrying out one's obligations ), *upast-hāna* ( return of money lent on pledge ) and *darśana* ( for appearance ). He prescribed an absolute tutelage for women as regards the giving away of the husband's wealth and allowed only maintenance to a young widow of improper conduct.<sup>687</sup> But *Hārīta* was humane in his treatment of even erring wives. He does not allow a husband to cast adrift an adulterous wife and prescribes that she should be given food to keep body and soul together and bare clothes.<sup>688</sup>

It appears from the above that *Hārīta* the jurist must have flourished nearly at the same time as *Brhaspati* and *Kātyāyana*, i. e. between 400 and 700 A. D.

### 58. Commentaries and Nibandhas ( digests )

The literature on *Dharmaśāstra* falls into three well-marked but somewhat over-lapping periods. The first period is that of the ancient *dharmaśūtras* and of the *Manusmṛti*. It is a period dating from at least the 6th century B. C. to the beginnings of the Christian era. Next comes the period when most of the versified *smṛtis* were composed and it ranges from the first centuries of the Christian era to about 800 A. D. The third period is that of the commentators and the writers of digests. This covers over a thousand years from about the 7th century to 1800 A. D. The first part of this last period was the golden era of famous commentators. Commentaries on *smṛti* works continued to be written almost to the end of this period, e. g. *Nandapaṇḍita* wrote the commentary called *Vaijayantī* on the *Viṣṇudharmaśūtra* in the 17th century. But the general tendency from the 12th century onwards was

686 अभये प्रत्यये दाने उपस्थानेथ दर्शने । पंचस्वेव प्रकारेषु ग्राह्योपि प्रतिभूर्बुधैः ॥ स्मृतिच० .

687 दानार्थे वा धनार्थे वा धर्मार्थे वा विशेषतः । आदाने वा विसर्गे वा न स्त्री स्वातन्त्र्यमर्हति ॥ स्मृतिच० ; विधवा यौवनस्था चेन्नारी भवति ऋकशा ।

आयुषः क्षणार्थं तु दातव्यं जीवनं तदा ॥ मिता० on या. II. 135.

688 भार्याया व्यभिचारिण्याः परित्यागो न विद्यते । दद्यात्पिण्डं कुचेलं च अभ्यासं च शाययेत् ॥ स्मृतिच० .



to write works not professing to be commentaries on a particular *smṛti*, but works that were in the nature of digests containing a synthesis of all the dicta of *smṛti* writers on topics of dharma. Examples of this class of works are the *Kalpataru*, the *Smṛticandrikā*, the *Caturvargacintāmaṇi*, the *Ratnākara*s of Caṇḍeśvara. Even when in the earlier part of this period writers professed to compose only commentaries on particular works, they adopted the style of digests trying to introduce order out of a chaotic mass of *Smṛti* dicta and explaining away apparent contradictions. For example, Viśvarūpa's commentary (in the *ācāra* and *prāyaścitta* sections), the *Mitākṣarā* and *Aparārka*'s work, though professing to be commentaries on *Yājñavalkya*, are really in the nature of digests. In fact there is no hard and fast line of demarcation between a *ṭīkā* and a *nibandha* (digest). *Vijñāneśvara* is described by the *Dvaitanirṇaya* of Śaṅkarabhaṭṭa as the most eminent of all writers of *nibandhas*. Therefore, though it is usual to speak of the third period as one of commentators and *nibandhakāras*, there is no necessity in this work to observe any sharp line of distinction between the two. In the following pages a few prominent and typical commentators and *nibandhakāras* who have written on all or most of the branches of dharmaśāstra and whose works have attained classical rank will be dealt with in chronological order as far as that can be done with any accuracy.

### 59. Asahāya

Dr. Jolly in his edition of the *Nārada-smṛti* ( B. I. series ) has incorporated a portion of the *bhāṣya* of Asahāya as revised by Kalyāṇabhaṭṭa. Even this revised *version* comes up to only verse 21 of the fifth title *abhyupetya-asuśrūṣā*. The exact relation of Kalyāṇabhaṭṭa's labours to the original *bhāṣya* cannot be accurately gauged from the opening<sup>689</sup> words 'finding that the *Nārada-bhāṣya* composed by Asahāya was spoilt ( *bhraṣṭa* ) by bad scribes, Kalyāṇa composes this after revising the ancient one'. The colophon at the end of the first chapter of the *Vyavahāramātrikā* says that Kalyāṇabhaṭṭa

689 दृष्ट्वासहायरचितं नारदभाष्यं कुलेखकैर्भ्रष्टम् । कल्याणेन क्रियते प्राक्तनमितदु

विशोध्य पुनः । ( first verse ).





revised the bhāṣya of Asahāya at the encouragement of Keśava-bhaṭṭa.<sup>690</sup> Kalyāṇabhaṭṭa seems to have taken great liberties with the text of the original bhāṣya. On p. 9 verse 15 (rājā satpuruṣaḥ sabhyaḥ śāstram gaṇakalekhakau), the comment on śāstra is 'Manu-Nārada-Viśvarūpātmakam'. If Viśvarūpa named here be identical with the Viśvarūpa who commented on Yāj. (as is almost certain), this passage could not have occurred in Asahāya's bhāṣya. Viśvarūpa, in commenting on Yāj. III. 263-64, mentions Asahāya by name and cites his explanation of a sūtra of Gautama (22. 13). The name Kalyāṇabhaṭṭa frequently occurs in the printed commentary itself (p. 81, 86, 89).<sup>691</sup>

In the I. O. ms. there is a salutation to Śiva and Gaṇeśa at the beginning. There is a ms. of the Nāradiyabhāṣya as printed by Dr. Jolly in the Govt. Mss. Library at the B. O. R. Institute, Poona, (No. 72 of 1874-75). It does not contain the first folio and curiously enough it ends just where the printed text stops. Dr. Jolly omits a few lengthy passages occurring in the ms. and generally indicates such omissions by dots. In a few cases Dr. Jolly omits only a word or two for no apparent reason, e. g. on p. 8 (folio 7b of No. 27 of 1874-75) he omits the word 'paramasamrddhyā' after 'vyavahāraḥ' and before 'caturṇām-api varṇānām'.

The Kalpataru (on Mokṣa pp. 48-49) quotes Gautama Dh. S. III. 10-24 from 'Anicayo bhikṣuḥ' to 'Anārambhī' and cites the explanations of Bharṭṛyajña, Asahāya and Maskarin on some words occurring in them. Maskarin is a well-known commentator on Gautama (the com. is printed). It seems that Bharṭṛyajña and Asahāya also composed commentaries; vide ABORI Vol. 18 p. 205 where Prof. Raghavan draws attention to Asahāya's commentary on Śaṅkha-Likhita mentioned by Ānandagiri. On p. 544 the Vivādaratnākara quotes Manu IX. 165 (Aurasakṣetrajau) and Asahācārya's explanation thereon.

690 इति असहायनारदभाष्ये केशवभट्टप्रोत्साहित-कल्याणभट्टपरिशोधित-व्यवहारमातृ-कायां प्रथमोऽध्यायः ।

691 तथा चोक्तमेव सामान्यग्राह्यत्रलक्षणविचारप्रकरणे कल्याणभट्टेन । p. 81; यथोक्तं त्रिषष्टिलेख्यप्रकरणकारकल्याणभट्टेन । p. 86; कल्याणकृतं श्लोकत्रयमस्ति । p. 89



The Hārālatā of Aniruddha who was the *guru* of king Ballālasena of Bengal, the author of Adbhutasāgara (about 1168 A. D.), tells us that Asahāya composed a bhāṣya on the Gautamadharmasūtra.<sup>692</sup> Viśvarūpa also cites, as said above, Asahāya's explanation of a sūtra of Gautama.

It appears that Asahāya probably wrote a commentary on the Manusmṛti also. A passage of the Sarasvatīvilāsa<sup>693</sup> says that partition of dharma was approved of by smṛtikāras like Manu, Yājñavalkya, by their commentators, viz. Asahāya, Medhātithi, Vijñāneśvara and Aparārka and by writers of *nibandhas*, viz. the author of the Candrikā and others. Here the order in which the commentators are named requires that Asahāya like Medhātithi was known to be a commentator of Manu. This conclusion is to some extent corroborated by the fact that the Vivādaratnākara<sup>694</sup> quotes with reference to

692 हारलता ( B. I. series ) p. 35. 'गौतमः । बालदेशान्तरितप्रव्रजितानां सद्यः-  
शौचम् । ( गौ. ध. सू. 14. 44 ) यत्र मृतोऽशौचाभ्यन्तरे न श्रूयते तद्देशान्तरं  
तत्र मृतो देशान्तरित इति गौतमभाष्यकृतासहायेन व्याख्यातम् ।' ; हारलता  
p. 97 ' गौतमः । पिण्डनिवृत्तिः सप्तमे पञ्चमे वा ।' ( गौ. ध. सू. 14. 12 ) ।  
अत्रासहायव्याख्या । यदा पितृपितामहप्रपितामहास्त्रयो जीवन्ति तदा प्रपिता-  
महादूर्ध्वं त्रिभ्यः पिण्डदानम् । ... इदं तु व्याख्यानं न शोभनं प्रतिभाति ।'

693 धर्मविभागो मनुयाज्ञवल्क्यादिस्मृतिकाराणां तत्स्मृतिव्याख्यातृणामसहायमेधा-  
तिथिविज्ञानेश्वरारारकाणां निबन्धूणां चन्द्रिकाकारादीनां च संमत एव ।  
सरस्वतीविलास para. 83 and p. 348 ( Mysore ed. ).

The सरस्वतीविलास often refers to a writer called निबन्धनकार. He is likely to be असहाय. Vide सरस्वतीविलास p. 457 ' अत्र ( मनुस्मृतौ ) वाङ्मरुच्यदण्डपाठ्यस्त्रीसंग्रहणानन्तरं दायविभागः क्रमिकः । निबन्धनकारेण तु त्रयोदशविवादपदं दाय इत्युक्तम् । उभयोर्महान् विरोधः । स परिह्रियते । तथोक्तं नारदेन ।... नारदवचनानुसारि निबन्धनकारवचनम् । अतश्च तद्व्याख्येयस्यापि गौतमसूत्रस्य नारदवचनानुसारित्वमेव ।' ; तथा च गौतमः । प्रतिषेधे पुमान्दण्ड्यस्तदर्धं स्त्री इति । अस्यार्थो विवृतो निबन्धनकारेण ' p. 468.

694 The verse of मनु is भ्रातृणामेकजातानामेकश्चेत्पुत्रवान् भवेत् ।. The words of असहाय are ' अत्रासहायेनोक्तं पुंसां सति भ्रातृजे स्त्रीणां सपत्नीपुत्रो जादयः प्रतिनिधयो न कर्तव्या इति ।' वि. र. p. 583.



Manu 9. 182 the words of Asahāya thereon. On Manu 8. 156 Medhātithi quotes the opinion of Asahāya.<sup>695</sup> Manu VIII. 155 in in Mandlik's edition.

The foregoing establishes that Asahāya composed bhāṣyas on the Gautamadharmasūtra, on the Manusmṛti and on Nārada. When the Smṛticandrikā<sup>696</sup> refers to a bhāṣya of Nārada it is most probably referring to Asahāya. In the Mit. (on Yāj. II. 124) the opinion of Asahāya and Medhātithi on the right of an unmarried sister to receive one-fourth as provision for her marriage from her brothers is preferred to that of Bhāruci.<sup>697</sup> This seems to be rather a reference to Asahāya's commentary on Manu (9. 118) which contains a rule similar to Yāj. (II. 124), while Nārada contains no such rule about a fourth share. It is a strange irony of fate that the very name of Asahāya who is profusely quoted by the Sarasvativilāsa in the first half of the sixteenth century was forgotten by later writers, so much so that the Bālaṁbhaṭṭi understands the word Asahāya (in note 515 above) as an attribute of Medhātithi in the sense of 'peerless'.

As Viśvarūpa and Medhātithi both name Asahāya, his lowest limit is about 750 A. D. How much earlier he flourished it is difficult to say. He can hardly be earlier than the 6th century. In the com. on Nārada (p. 48) there is a story from Pāṭaliputra about the repayment of a debt by sons, grandsons and great-grandsons. It has been argued (Calcutta Law Journal, vol. 17 p. 59) that, as Pāṭaliputra was a deserted city in the middle of the 7th century and as the reference shows that Pāṭaliputra was a living and flourishing city, Asahāya must have lived long before the 7th century. But as the very authenticity of the text of the bhāṣya is doubtful owing to the drastic 'revision' of Kalyāṇabhaṭṭa, such a conclusion is extremely hazardous. In the ms. of the bhāṣya

695 यज्वासहायनारदानां तु मते काकिणीमात्रमपि शक्तः करणपरिवृत्तिकाले दापयितव्यः । on the verse अदर्शयित्वा तत्रैव.

696 स्मृतिच० (व्य. p. 36) on दर्शनविधि says 'एवं तदीयभाष्ये व्याख्यातम् ।' तथा च नारदः । स्त्रीकृतान्यप्रमाणानि कार्याण्याहुरनापदि ।...अत्रापवादप्रदर्शनार्थमाह स एव । विशेषतो गृहक्षेत्रदानाधमनविक्रयः । इति गृहक्षेत्रयोर्दानाधमनविक्रयास्त्वापद्यस्वतन्त्रकृता न सिध्यन्तीत्यर्थः । एवं तद्भाष्ये व्याख्यातम् ।

697 अतोसहायमेधातिथिप्रभृतीनां व्याख्यानमेव चतुरस्रं न भारुचेः । मित...

other places such as Vatapadraka ( probably modern Baroda ), Avāvadu and Saṁvāduka are mentioned. There is nothing to show that the author was either a native of or had a first-hand knowledge of Pāṭaliputra. He might have been relying on traditions when he gave the story. Dr. Jolly not being aware of the express mention of Asahāya by Medhātithi argued that he flourished earlier than Medhātithi ( Tagore Law Lectures p. 5 ; S. B. E. vol. 25 p. VII ) on the ground that the Mit. and the Sarasvatīvilāsa always place Asahāya before Medhātithi whenever authorities on vyavahāra are enumerated. Dr. Jolly's conclusion is right as shown above, but his reasoning is faulty. There is hardly anything of chronology in the order in which authors are named, since we find that the Sarasvatīvilāsa<sup>698</sup> names Vijñāneśvara even before Asahāya though the former flourished centuries after the latter.

Some of the views attributed to Asahāya may be quoted here. The definition of *dāya* ( heritage ) given by the Mit. was identical with Asahāya's.<sup>699</sup> Asahāya explained the dictum of Uśanas that fields were impartible by taking it to refer to the son of a brāhmaṇa from a kṣatriya wife, who does not participate in land gifted to a Brāhmaṇa.<sup>700</sup> The Mit. on Yāj. II. 119 takes the same view. Asahāya held that as regards succession to the *śulka* of a woman even step-brothers should be given something, though the major portion would go to the full brothers.<sup>701</sup> According to Asahāya, the wealth of a childless brāhmaṇa went to the teacher, then to the teacher's son, then to the teacher's widow, the pupil, pupil's son, pupil's widow ( one after another ) and then to the fellow-student.<sup>702</sup>

698 स. वि. ( para 195 ) ' विज्ञानेश्वरासहायमेधातिथीनामियं व्याख्या ' ( p. 371 of Mysore ed. ).

699 असहायविज्ञानयोगिप्रभृतीनां तु यत्स्वामिसंबन्धादेव निमित्तादन्यस्य स्वं भवति तद् दायशब्देनोच्यते इति । स. वि. ( para 19 ).

700 स. वि. para 195 ( or p. 371 ).

701 अतश्च कन्याशुल्कविषये सोदरासोदरविभागेऽसोदराणामपि किञ्चिद् देयमित्य-  
सहायव्याख्यानमसहायम् । स. वि. para 314 ( or p. 384 ). Here there is  
a play on the word असहाय which means ' unsupported, baseless '.

702 स. वि. para 608.



The Vivādaratnākara<sup>703</sup> ( p. 578 ) quotes the Prakāśa as referring to the views of Asahāya and Medhātithi on Manu IX. 198 that the special rule of Manu applies to all the *strīdhana* belonging to a Kṣatriya woman who has a brāhmaṇi co-wife. The Vivādaratnākara<sup>704</sup> quotes a verse of Nārada about *māṣa* and a verse of the bhāṣyakāra thereon. It probably refers to Asahāya's bhāṣya.

## 60. Bhartryajña

This seems to have been a very ancient commentator. Medhātithi<sup>705</sup> in his bhāṣya on Manu 8. 3 says ' other explanations have been well brought out by Bhartryajña and they should be understood from his work'. Trikaṇḍa-maṇḍana ( who flourished before 1100 A. D. ) in his Āpastambasūtra-dhvanitārtha-kārikā<sup>706</sup> ( I. 41 ) refers to the views of Bhartryajña that one who had committed to memory the text of the Veda had the privilege ( the *adhikāra* ) of consecrating the sacred fires, though he may be innocent of the meaning of the Vedic texts. From Ananta's bhāṣya it appears that Bhartryajña composed a bhāṣya on the Kātyāyanaśrautasūtra which had been lost ( *utsanna* ) in the former's day. From Gadādhara's comments on the Pāraskaragr̥hyasūtra it appears that Bhartryajña commented on Pāraskara.<sup>707</sup> The Gr̥hastharatnākara of Caṇḍeśvara quotes Bhartryajña's explanation of

703 पित्रा दत्तमिति स्त्रीधनमात्रोपलक्षणमित्यसहायमेधातिथिरिति ( थी इति ? )  
प्रकाशकारः ।

704 तथा चोक्तं नारदेन-माषो विंशतिभागस्तु ज्ञेयः कार्षापणस्य च । स च राजतो  
विवक्षितः । तथा च भाष्यकारः । सौवर्णैर्मर्षकैः संख्या दण्डकर्मसु शस्यते ।  
पशूनां शस्यचरणे माषैरन्यैश्च राजतैः ॥ वि. र. p. 234.

705 व्याख्यानान्तराणि भर्तृयज्ञेनैव सम्यकृतानि इति तत एवावगन्तव्यानि सर्वथा  
प्रमाणमूलानि ।

706 यद्वाध्ययनसंसिद्धविज्ञानरहितोपि सन् । नातीवाधिक्रियाशून्यो भर्तृयज्ञादि-  
दर्शनात् ॥ त्रिकाण्डमण्डन ( B. I. series ).

707 On पारस्करगृह्य I. 1. 2 ' एते पञ्च भूसंस्कारा इति भर्तृयज्ञभाष्ये अन्यथा  
इति कर्कोपाध्यायाः ' ; on पारस्कर I. 2. 1, the भाष्य of भर्तृयज्ञ on the  
word दारकाले is quoted ; on the सूत्र ' केशसंमितो ब्राह्मणः ' &c.  
( पारस्कर II. 5. 28 ) गदाधर says ' इदं च सूत्रं सूत्रत्वेन दारिकाले  
तिष्ठति भर्तृयज्ञकर्कादिग्रन्थेषु नोपलभ्यते '.



the word *saṁvibhāga* occurring in Gautamadharmasūtra ( 10. 39 'svāmī riktha....saṁvibhāga-parigrahādhigameṣu ).<sup>708</sup> The Nityācārapradīpa ( B. I. series ) after quoting Gautamadharmasūtra ( 11. 29 varṇāśramāḥ svadharmanisthāḥ &c. ) cites the comment of Bharṭṛyajña<sup>709</sup> on the word *tac-cheṣeṇa* occurring in that sūtra. Therefore it appears probable that Bharṭṛyajña like Asahāya was an ancient commentator of the Gautamadharmasūtra. The Gr̥hastharatnākara, after quoting from Vasistha ( 17. 1 ) and Viṣṇu the well-known verse of the Aitareya-brāhmaṇa ( ṛṇam-asmin saṁ-nayati ) cites the explanation of Bharṭṛyajña as to the word 'jātasya' occurring therein.<sup>710</sup>

The Kalpataru ( on Brahmacārī° p. 15 ) quotes the explanation of the words 'tataḥ śeṣeṇa' and also on p. 144 quotes the explanation of Manu V. 143 ( ucchiṣṭeṇa tu &c. ) given by Viśvarūpa and Bharṭṛyajña. Kalpa° ( Śuddhikāṇḍa p. 101 ) quotes Gaut. XIV. 35-40 and Bharṭṛyajña's explanation of 'ante tvantyanām' as 'navamāśaucānte'. Kalpataru ( Gr̥hasthikāṇḍa p. 5 ) cites the explanation of Vas. Dh. S. VIII. 1 ( Gr̥hastho...vindeta ) by Bharṭṛyajña. Similarly, Kalpa° ( Gr̥. p. 259 ) quotes Gaut. X. 39 ( Svāmī riktha-kraya° ) and cites the explanation of 'saṁvibhāga' as 'mitradāya' by Bharṭṛyajña. Kalpa° ( Niyatakāla p. 256 ) cites Yāj. I. 166 ( śūdreṣu dāsa-gopāla° ) and its explanation by Bharṭṛyajña as 'yasya gāḥ pālayati tasyaiva bhojyānnaḥ'. Kalpa° on Niyat° p. 203 quotes Gaut. Dh°. S. V. 41 and the explanation of the word 'adhivṛkṣasūrya' by both Maskarin and Bharṭṛyajña as meaning 'sāyamkāla' ( evening ). Vide an interesting paper by Prof. Baladeva Upadhyaya in I. H. Q. vol. XII p. 494-503, where he advances some grounds for holding that Bharṭṛyajña commented on the Pāraskaragr̥hya and preceded even Karka. The Vyavahāranirṇaya of Varadarāja ( on p. 135 ) cites the view of Dhāreśvara, Asahāya and Śrikara about the effect of not asserting one's right against an interloper for a long time and of Asahāya on pp. 230, 455 also.

708 संविभागो भर्तृदाय इति भर्तृयज्ञः । गृहस्थरत्नाकर folio 78a of Govt. Mss. Lib. at the B. O. R. Institute, Poona, No. 44 of 1883-84.

709 अत्र तच्छेषेण इति तस्यैव नित्याचारकर्मणः शेषेणेति भर्तृयज्ञः । नित्याचारप्रदीपः p. 12.

710 अत्र जातस्येति ऋणापाकरणयोग्यस्येति भर्तृयज्ञः । गृहस्थरत्नाकर folio 133a,

Since Bharṭṛyajña is quoted by Medhātithi who also mentions Asahāya but not Viśvarūpa, it follows that Bharṭṛyajña must have flourished before 800 A. D. and was probably a contemporary of or slightly later than Asahāya.

## 61. Viśvarūpa

The commentary of Viśvarūpa called *Bālakrīdā* on the Yājñavalkya-smṛti has been recently published in two parts by M. M. T. Gaṇapati Śāstri in the Trivandrum Sanskrit Series. The Mit. states in the introductory verses that the dicta of Yāj. were expanded by the voluminous or ample (*vikāṭa*) explanations of Viśvarūpa. In commenting on Yāj. I. 81 the Mit. tells us that Viśvarūpa looked upon the words of Yāj. I. 79 (*tasmin yugmāsu saṁviśet*) as a *niyama*. In Viśvarūpa's commentary on Yāj. I. 80 (*evam gacchan &c.*) we do find that the verse of Yāj. and similar passages of Manu (3. 45), Vasistha and Gautama (5. 1) are understood to contain a *niyama* and not a *parisaṁkhyā*.<sup>711</sup> On Yāj. III. 24 the Mit. informs us that Viśvarūpa, Medhātithi and Dhāreśvara looked upon certain texts of Ṛṣyaśṛṅga on *āśauca* as in conflict with well-known smṛtis and discarded them. Mr. S. Sitaram Śāstri published (in 1900 at Madras) the text and translation of Viśvarūpa's comment on inheritance and Mr. Setlur also published the *vyavahāra* section. In the following pages the Trivandrum edition is relied on.

The printed com. of Viśvarūpa on the *vyavahāra* section is extremely meagre and scarcely merits the epithet *vikāṭa* applied to it by the Mit. But the commentary of Viśvarūpa on the *ācāra* and *prāyaścitta* sections is truly voluminous and compares favourably with the Mit. The style of Viśvarūpa is simple and forcible and resembles that of the great Śaṅkarācārya. He quotes profusely from Vedic works, mentions the Carakas and Vājasaneyins (on Yāj. I. 32), the Kāṭhaka (on Yāj. III. 237 and 243) and very often supports his position by quotations from the Ṛgveda (e.g. on Yāj. II. 121 and 206), the Brāhmaṇas (e.g. the Śatapatha on Yāj. I. 53 and III. 257) and from the Upaniṣads (e.g. on Yāj. II. 117, the well-known

711 मानवं तु 'ऋतुकालाभिगामी स्यात्' इति ... नियमपरतयैव व्याख्येयम् । एतेनैव ... वासिष्ठं व्याख्यातम् । .. गौतमीयं त्वनृतुपरिसंख्यार्थं पेयात्' इति केचित् । ... तस्मात्तदपि नियमार्थमेव व्याख्येयम् ।





Chāndogya passage about the ordeal for theft and on Yāj. I. 50 Chāndogya II. 23. 10 about the three branches of *dharma*). He speaks of the *pada-pāṭha* and the *kramapāṭha* as due to human agency (on Yāj. III. 242). He frequently quotes the Grhya-sūtras of Pāraskara and less frequently those of Bhāradvāja and Āśvalāyana. He cites a host of smṛtikāras.<sup>712</sup> Most of the quotations attributed to Svayambhū are found in the extant Manusmṛti, but this is not the case with the quotations ascribed to Bhṛgu (vide pp. 309, 310 above). Most of the quotations from Brhaspati (even on such topics as repayment of debts, sureties, the rights of śūdrāputra) are in prose, only a few being in verse (e. g. a verse about ordeals on Yāj. II. 117, a verse about the method of partition on Yāj. II. 153). On Yāj. I. 307 Viśvarūpa quotes a long prose passage from Brhaspati in which the qualities required in a *Senāpati*, *Pratihāra*, *Hastyadhyakṣa*, *Aśvādhyakṣa*, *Dūta*, *Mantrin* and *Uparika* are set out at length. It appears, therefore, that Viśvarūpa either knew a work of Brhaspati in prose on arthaśāstra in which occurred a few verses or he had before him a prose work of Brhaspati and a versified smṛti of Brhaspati, both of which he regarded as the compositions of the same author. He quotes a verse (on Yāj. I. 328) from Viśālākṣa, a well-known writer on politics quoted even by Kauṭilya. He refers to the arthaśāstra of Uśanas along with that of Brhaspati. Kauṭilya is nowhere quoted by name. The learned editor of Viśvarūpa thinks (Intro. p. V) that Viśvarūpa took Brhaspati and Viśālākṣa as *ārṣa* writers long anterior to Yāj. and therefore used their *dicta* to elucidate and support Yāj., while he omits Kauṭilya because he thought Kauṭilya to be posterior to Yāj. This argument contains several fallacies. In the first place it is wrong because Viśvarūpa quotes verses from Nārada and Kātyāyana to supplement Yāj. There is nothing to show that Viśvarūpa regarded Nārada and Kātyāyana also as anterior to Yāj. and we have

712 The स्मृतिकार<sup>s</sup> mentioned by name are : अङ्गिरस्, अत्रि, आपस्तम्ब, उशनस्, कात्यायन, काश्यप, गार्ग्य, वृद्धगार्ग्य, गौतम, जातूकर्ण ( or-णि ), दक्ष, नारद, पराशर, पारस्कर, पितामह, पुलस्त्य, पैठीनसि, बृहस्पति, बौधायन, भारद्वाज, भृगु, मनु, वृद्धमनु, यम, याज्ञवल्क्य, वृद्धयाज्ञवल्क्य, वसिष्ठ, विष्णु, व्यास, शङ्ख, शातातप, शौनक, संवर्त, सुमन्तु, स्वयंभू, मनु ), हारीत.



seen above that they are several centuries later than the *smṛti* of Yāj. Moreover Kauṭilya himself looked upon both Brhaspati and Viśālākṣa as high authorities and so Viśvarūpa might have quoted them rather than Kauṭilya. Even taking the latest date assigned to Kauṭilya (about 3rd century A.D.) he flourished several centuries before Viśvarūpa. It is impossible to believe that Viśvarūpa was in possession of the exact chronological relation of Yāj. and Kauṭilya. Many scholars, besides, place Kauṭilya's work centuries before Yāj. It appears, however, that Viśvarūpa had the work of Kauṭilya before him. On Yāj. I. 307 he speaks of ministers tested by the four allurements (*upadhā*) of *dharma*, *artha*, *kāma* and *bhaya*. This is an echo of Kauṭilya (I. 10). On Yāj. I. 343 Viś. refers to the view of some that a march should be made when neighbouring chiefs are overwhelmed in calamities.<sup>713</sup> This is the view of Kauṭilya almost in the same words. On Yāj. I. 341 Viś. speaks of the manifold aspects of the work of a minister, some words of his comment being almost identical with Kauṭilya's.

Some of the verses on pp. 25-27, for example, the first verse (*govadham* &c.) refers to Yāj. III. 234 (where 'govadha' is mentioned as the first among *Upapātakas* (51 in number)). On p. 26 he has a *kārikā* 'Smārtopi govadhostyarghyamarhayet prathamam gavā', which includes *Manusmṛti* III. 3 (last quarter); on same page the words 'vedam-eva tvadr̥ṣṭārthe...pramāṇam paramam dharme Śrutir' embodies a part of *Manu* III. 13. The *Kārikā* at the top of p. 27 quotes some words of *Manu* II. 10.

Viśvarūpa's work is thoroughly saturated with the lore of the *Pūrvamīmāṃsā*. He quotes *Jaimini* by name (on Yāj. I. 225 where *Jaimini* VI. 8. 15 is quoted). Curiously enough

713 तथा 'चाहु :- सामन्तयोर्व्यसनसाम्येन यातव्यं तममित्रमेव यायात्-इति । विश्वरूप ; compare 'तुल्यसामन्तव्यसने यातव्यममित्रं वा इत्यमित्रमभियायात् । कौटिल्य VII. 5 ; किं पुनस्तन्मन्त्रणीयम् । उक्तं च दिक्प्रचारदूतसंप्रेषण-कापटिकोदास्थितगृहपतिकवैदेहकतापसव्यञ्जनावस्थितचारप्रपञ्चनिरूपणपरप्रयुक्तकापटिकाद्युच्छेददुर्गादिकरणकन्यासंप्रदानकुमारचिन्ता-अन्तःपुरप्रचारायनेकविधं च । विश्वरूप. The words कापटिको ... व्यञ्जन occur in कौटिल्य ( and कौटिल्य has chapters on राजपुत्ररक्षण ( i. e. कुमारचिन्ता ) अन्तःपुरप्रचार ), दुर्गविधान and दूतप्रणिधि.



he applies the term *nyāya* to Mīmāṃsā. He takes 'nyāya-mīmāṃsā' in Yāj. I. 3 as one *vidyā*, while he notes that others explain *nyāya* as the system of logic propounded by Akṣapāda. He quotes the sūtras of Jaimini as those of Yājñikas who know *nyāya* (e. g. on Yāj. I. 53 he quotes Jaimini I. 3. 16 and on Yāj. I. 87 he quotes Jaimini VI. 8. 17). He applies the epithet *Naiyāyika* to a mīmāṃsaka like Śābara and speaks of the mīmāṃsakas as *nyāyavidah*.<sup>714</sup> He mentions the Śābarabhāṣya by name (on Yāj. III. 243) and in several places quotes the very words of Śābara (e. g. on Yāj. III. 181).<sup>715</sup> He quotes the Śloka-vārtika of Kumārila (I. 12 the verse 'sarvasyaiva hi &c') in his introductory remarks. In his comment on Yāj. I. 7 he cites over fifty verses in the nature of *kārikās* dealing with the relation of śruti and smṛti and kindred topics. These verses are his own composition, as in one of them he assures us that a certain point will be dealt with by him in detail in the section on śrāddha.<sup>716</sup> In interspersing his commentary with *kārikās* of his own and in their style and pithiness he greatly resembles Kumārila. Throughout his work he relies upon mīmāṃsā maxims and methods of discussion. For example, on Yāj. I. 4-5 he discusses the rule of Jaimini II. 4. 8 ff (about 'sarvaśākhāpratyaṣṭam ekaṁ karma') in its application to smṛtis; on Yāj. I. 225 he relies upon the position that words like *yava* and *varāha* are to be taken as employed in the Vedas in the same sense in which *śiṣṭas* use them (vide Jaimini I. 3. 9); on Yāj. II. 144 he speaks of wealth (*dravya*) being *puruṣārtha*, where he alludes to the well-known distinction between *kratvartha* and *puruṣārtha*, the subject of Jaimini's 4th chap. His commentary on Yāj. III. 212, 237, 262 are fine examples of his superb skill in the interpretation and reconciliation of apparently conflicting texts.

714 न्यायविदश्च धार्मिकाः 'अपि वा सर्वधर्मः स्यात्' ; न्यायविदश्च याज्ञिकाः सर्वार्थत्वात्पुत्रार्थे न प्रयोजयेदित्याहुः ( this is जैमिनि VI. 8. 17 ) ; न च लक्ष्यमाणस्य विशेषणं विवक्ष्यत इति न्यायविदः ( on याज्ञ. III. 250 ). The last is a well-known मीमांसान्याय. " तथा च नैयायिकाः 'नहि वचन-स्यातिभारोस्ति' इत्याहुः. " These words occur in शाबरभाष्य on जैमिनि III. 2. 3.

715 तथा चोक्तं 'चोदना भूतं भवन्तं भविष्यन्तमित्याद्येवंजातीयकमर्थं शक्नोत्यु-वगमयितुम्' इति । This is शाबरभाष्य p. 4 ( B. I. edition ).

716 सर्वं चैतत्प्रपञ्चेन वक्ष्यामः श्राद्धसंग्रहे । विश्वरूप part I. p. 16.



Though Viśvarūpa was a past master in Pūrvamīmāṃsā lore, his philosophical views seem to have been identical with those of the great Śaṅkara. According to him *mokṣa* results from correct knowledge alone and the whole *samsāra* is due to *avidyā*.<sup>717</sup> He quotes anonymously one of Gauḍapāda's *kārikās*<sup>718</sup> ( III. 5 ) on Yāj. III. 134.

He speaks on Yāj. III. 103 of Nārada who knew the Veda of music ( *gītivedavid* ), of purāṇa ( on III. 175 ), and quotes verses ( on Yāj. III. 85 ) from an *abhidhānaśloka* ( lexicon ) and from a *Nāmaratnamālā* ( on III. 266 ). He speaks of the *śloka* of Bhikṣātana ( on III. 66. ). He is in this probably referring to the *Bhikṣātana-kāvya*,<sup>719</sup> which is mentioned by the *Sāhityadarpaṇa*. Among commentators he mentions Asahāya's *bhāṣya* on Gautama by name ( on Yāj. III. 263 ). On Yāj. III. 256 he explains *Mleccha* as *pulindas* and *Tājikas* ( i. e. Arabs ).

It has been shown above ( §34 pp. 423-425 ) how Viśvarūpa's text of Yāj. varied in some respects from that of the Mit. ; how he frequently refers to the views of commentators of Yāj. earlier than himself ( in the words 'apare,' 'anye' ), how he proposes several explanations of the same words in several cases.

Dr. Jolly ( *Journal of Indian History*, 1924, pp. 7-8 ) says that the citations of Viś. in the *Smṛticandrikā* about his having refuted the views of Dhāreśvara cannot be traced in the printed *Bālakrīdā*, as also the reference to Viś. in the Mit.

717 In his com. on याज्ञवल्क्य III. 66 he says 'अपवर्गार्थं हि पारिव्राज्यं ज्ञानैकसाधनं न तत्र कर्मणां प्रयोजनमित्युक्तमेव' । ; 'तत्त्वाग्रहणात्मकेनाविद्योत्थत्वात्प्रपञ्चस्यैवमादिचोद्यानवकाश एव । ... तत्त्वेन ब्रह्मणो नान्यद्वस्त्वन्तरमस्तीति ब्रह्मविदां स्थितिः ।'.

718 तथा चाह-यथैकस्मिन्घटाकाशे रजोधूमादिभिर्युते । न सर्वे संप्रयुज्यन्ते सुखं दुःखं तथात्मनः ॥ इति । तथान्यैरपि-धूमपूर्णघटानां च यस्यैकस्यैव रेचनम् । उत्पाद्य क्रियते तत्र जायते व्योम निर्मलम् ॥ इति. In the Ānandaśrama edition of गौडपाद the fourth *pāda* is तद्वर्ज्जीवा सुखादिभिः . I could not trace the *kārikā* धूमपूर्ण० .

719 Vide I. O. cat. p. 1448 for the भिक्षाटनकाव्य of शिवभक्तिदास उत्प्रेक्षावल्लभ who names वाल्मीकि, कालिदास and the कादम्बरी बाण.



on Yāj. I. 81 and II. 135. It has been shown above (note 529) that the printed Viś on Yāj. I. 80 *does* contain the view attributed to it by the Mit. As regards the Mit. on Yāj. II. 135 it has to be noted that the Mit. - does not mention Viś. by name there, but only speaks of 'bhagavān ācārya,'<sup>720</sup> which words are interpreted by the Subodhinī and the Bālabhaṭṭī as referring to Viśvarūpa. It is true that the printed Viś. does not contain in so many words the explanation attributed by the Mit. to 'bhagavān ācārya.' But it is worth considering that in the printed Viś. the two quotations from Manu and Śaṅkha do occur and are put in the mouth of an objector and are explained away in a way somewhat similar to that put forth in the Mit.<sup>721</sup> As regards the passages of the Smṛticandrikā, the matter requires careful examination. The Smṛticandrikā, (II. p. 294 Gharpure's ed.) says that according to the Saṁgrahakāra a widow was allowed to succeed to her sonless husband's wealth if she submitted to *niyoga*, that the same was the view of Dhāreśvara and that Viśvarūpa refuted the view of Dhāreśvara. In no place does the printed Viś. name Dhāreśvara. The words of the Smṛticandrikā are not to be taken literally. It will be shown below that the author, Devaṇṇabhaṭṭa, flourished about 1200 A. D. while Dhāreśvara flourished between 1000-1050 A. D. Devaṇṇa had no correct idea of their relative chronological position. It has been shown above (p. 249) how though

720 The words of the Mit. are : यदपि मतं पिता हरेदपुत्रस्य रिक्तं भ्रातर एव वा ( मनु 9. 185 ) इति मनुस्मरणात्, तथा-स्वर्यातस्य ह्यपुत्रस्य भ्रातृगामि द्रव्यं तदभावे पितरौ हरेयातां ज्येष्ठा वा पत्नीति शङ्खस्मरणाच्च अपुत्रस्य धनं भ्रातृगामीति प्राप्तं भरणं चास्य कुर्वीरन् स्त्रीणामाजीवनक्षयादित्यादिवचनाच्च भरणोपयुक्तं धनं पत्नी लभत इत्यपि स्थितम् । एवं स्थिते बहुधने अपुत्रे स्वर्याति भरणोपयुक्तं पत्नी गृह्णाति शेषं च भ्रातरो यदा तु पत्नीभरणमात्रोपयुक्तमेव द्रव्यमास्ति ततो न्यूनं वा तदा किं पत्न्येव गृह्णाति उत भ्रातरोपीति विरोधे पूर्वबलीयस्त्वज्ञापनार्थं पत्नी दुहितर इत्यारब्धमिति । तदप्यत्र भगवानाचार्यो न मृष्यति । यतः । पिता हरेदपुत्रस्य...इति विकल्पस्मरणान्नेदं क्रमपरमपि तु धनग्रहणेधिकारप्रदर्शनमात्रपरम् । तच्चासत्यपि पत्न्यादिगणे घटते इति व्याचक्षे ।

721 ननु एतदप्यस्ति । ' पिता हरे ... वा ' इति । मातन्यसत्यामेतद् द्रष्टव्यम् । कथं शङ्खवचनं ' स्वर्यातस्य ... पत्नी इति ' । उक्तलक्षणपत्नीदुहित्रभावे सोऽपि भ्रात्रभिप्रायं तत् । विश्वरूप.



Asahāya is named by the Mit., the *Sarasvativilāsa* very often says that Asahāya does not like ( or tolerate ) the views of *Vijñāneśvara*. Similarly, the same work ( para 392 ) says that *Dhāreśvara* and *Devasvāmin* do not tolerate the view of *Vijñāneśvara*, but *Dhāreśvara* is one of the predecessors of *Vij.* actually named by him. So all that the *Smṛticandrikā* means is that *Dhāreśvara* and *Viśvarūpa* differed in their views on the particular points mentioned by it. The word *patnī* is taken by *Viś.* to mean a widow who is pregnant at the time of her husband's death and quotes the sūtras of *Vasiṣṭha* and *Gautama* in support of his view as *jñāpakas*. So this view entirely differs from the view of *Dhāreśvara* that the widow of a sonless person succeeds if she submits to *nīyoga*. The *Smṛticandrikā* ( II. p. 300 ) says that the *Samgrahakāra* placed the father's mother immediately after the mother and before the father, that the *Samgrahakāra* relied on the same arguments that were employed by *Dhāreśvara* and that *Viśvarūpa* and others refuted those arguments. The passage in the printed *Viś.* is somewhat corrupt in this place. *Viś.* does place the mother before the father on the ground of the word *mātā* occurring first when the word 'pitarau' or the compound 'mātāpitarau' is expanded. The comment does mention the verse of *Manu* ( 9. 217 ) about the grandmother, but it makes no clear sense, as it stands.<sup>722</sup> For the reason given above *Rai Bahadur M. M. Chakravarti* ( *JASB* for 1922, p. 345 and for 1915, p. 322 ) is not right when he places *Viśvarūpa* later than *Bhojadeva* because of the remarks of the *Smṛticandrikā*.

In the works of *Jimūtavāhana* ( viz. the *Dāyabhāga* and the *Yyavahāramātrkā* ), in the *Smṛticandrikā*, the *Hāralatā*, and other later works like the *Sarasvativilāsa*, the views of *Viśvarūpa* are frequently cited and discussed. Several such citations have been already examined by me ( *JBBRAS* for 1926, pp. 200-204 ). From considerations of space I do not repeat here the discussion of those passages. In the *Grhastha-ratnākara*<sup>723</sup> of *Caṇḍeśvara* ( No. 44 of 1883-4, in the Govt.

722 क्षत्रियादिषु पुत्राणां तु पितरि मातुरभावे 'पितुर्माता हरेद् धनम्' इत्यस्य विषयः ।

723 विश्वरूप on याज्ञ. I. 135 is तथा चाम्नायः । तस्मादूर्ध्वप्रावृत्तो न इति । अयं मे वज्रः पाप्मानमहतात्-इत्येतदेव मन्त्रस्य कार्त्स्न्यम् । यदा



Mss. Lib at the B. O. R. Institute Poona, folio 133a) the explanation of Viśvarūpācārya on Yāj. I. 135 is cited, which does not exactly tally with the printed Viś. Hemādri<sup>724</sup> refers to Viśvarūpa's explanation given in his section on partition which does not occur in the printed text. The result of the examination of these citations is that the printed text of Viś. is in the main genuine, but that in a few cases ( particularly in the vyavahāra section ) it is corrupt or deficient.

Though Viś. holds the same view as the Mit. that ownership does not for the first time arise on partition but that partition takes place of what is already ( jointly ) owned, yet on numerous points the two disagree. A few of them may be set out here.

( 1 ) Viś. allows ( on Yāj. II. 118 ) the father unrestricted freedom of distribution of property among his sons during his lifetime, while the Mit. expressly says that this power of unequal distribution is restricted to self-acquired property.

( 2 ) Viś. ( on Yāj. II. 119 ) allows a share of property to the widows of predeceased sons and grandsons of a man when a partition takes place during his lifetime. The Mit. restricts the word 'patnyaḥ' to the father's own wives when he effects a partition during his lifetime.

( 3 ) Viś. connects the words ' without detriment to the paternal estate ' ( in Yāj. II. 122 ) with the words ' whatever else is acquired by himself ' and not with ' maitra ' ( gifts from a friend ) and ' audvāhika ' ( gifts on marriage ), while the Mit. connects the half verse ' whatever else is acquired by the man himself without detriment to the paternal estate ' as a

( Continued from the previous page )

गच्छेत् तदैवमिति व्याख्येयम् । ; while the गृहस्थरत्नाकर says ' अयं मे वज्रः सर्वं पाप्मानमपहन्ति-इति सर्वं मन्त्रं पठन् वर्षत्यपावृतो (? प्रावृतो ) गच्छेद् यावन्मन्त्रसमाप्तिः, ऊर्ध्वमनियमः । तावतैवातिपाप्मनोपहतत्वादिति विश्वरूपाचार्यः ।

724 भ्राता वा भ्रातृपुत्रो वा सपिण्डः शिष्य एव च । सपिण्डकक्रियां कुर्यादभ्युदयिकं ततः ॥ इत्यत्र वचने अभ्युदयशब्देन आभ्युदयिकं विभागप्रकरणे विश्वरूपाचार्येण व्याख्यातम् । चतुर्वर्गः ( कालनिर्णय p. 43 )



qualifying clause to the next half verse and to another verse 'kramād abhyāgatam &c.' In the Mit. the two verses 'pitṛdravyāvirodhena &c.' and 'kramād &c.' occur consecutively, while in Viś. they are separated by three verses and Viś. takes the verse 'kramād' &c. as referring to the re-opening of a partition for a son born after partition.

( 4 ) Viś. allows *niyoga* only to *śūdras* in general and to *kṣatriya* kings in case of danger of extinction of line ( vide com. on Yāj. I. 69 and II. 131 ), while Mit. forbids *niyoga* in general and holds the texts speaking of it as applicable to a girl who is only betrothed and not married.

( 5 ) Viś. appears to allow one share out of ten to the son of a *śūdra* wife from a *brāhmaṇa* without restriction of any kind, while Mit. restricts the share to estates other than land acquired by gift.

( 6 ) Viś. interprets the expression 'half share' ( in Yāj. II. 138 ) with reference to the illegitimate son of a *śūdra* as meaning 'some portion, not necessarily exactly half.' while Mit. interprets it literally.

( 7 ) Viś. allows a widow to succeed to her husband if she is pregnant at his death, while Mit. allows a widow to succeed without any restriction except that of chastity.

( 8 ) Viś. restricts the word 'duhitarah' in 'patnī duhitarascaiva' ( Yāj. II. 138 ) to *putrikā* only and so does not allow all daughters whatever to succeed, while Mit. does not introduce any such qualification.

( 9 ) Viś. reads 'anyodaryasya saṁsṛṣṭi' for 'anyodaryastu &c.' and 'sodaro' for 'saṁsṛṣṭo' in Yāj. II. 143 and his interpretation of the verse is entirely different from that of the Mit.

( 10 ) Viś. reads 'ādhivedanikaṁ caiva' for 'ādhivedanikādyam ca' of Mit. and holds that *bandhudatta*, *śulka* and *anvādhēyaka strīdhana* of a childless woman goes on her death to her full brother; while Mit. connects these three with the preceding verse and takes the half verse 'atītāyām &c.' as laying down a general rule of succession to *strīdhana* of all kinds and interprets 'bāndhavāḥ' as meaning 'husband and the rest'.

( 11 ) Viś. takes the verse 'adhivinna-striyai' &c. ( on Yāj. II. 152 ) as applicable to a wife superseded without any ground of supercession allowed by the texts; while Mit. does not introduce any such qualification.



As Viśvarūpa quotes Kumārila's Śloka-vārtika and is mentioned by the Mit. as an authoritative commentator it follows that he flourished between 750 A. D. and 1000 A. D. A greater approximation as to the date of Viśvarūpa can be made, if the identity of Viśvarūpa with Sureśvara be held established. Sureśvara, as he himself tells us in the Naiṣkarmyasiddhi, the Taittirīyopaniṣadbhāṣyavārtika and other works, was a pupil of the great Śaṅkarācārya whose generally accepted period is 788-820 A. D. Mādhavācārya in several works of his quotes as Viśvarūpa's passages from the the well-known works of Sureśvara. For example, the Parāśara-Mādhaviya ( vol. I, part I, p. 57 ) quotes a *kārikā* of Sureśvara as that of Viśvarūpācārya.<sup>725</sup> In the Vivaraṇa-prameyasamgraha ( Vizianagaram series p. 92 ) also Mādhava quotes a verse from the Bṛhadāranyakopaniṣadbhāṣyavārtika as Viśvarūpa's.<sup>726</sup> In the Puruṣārthaprabodha<sup>727</sup> of Brahmānanda-bhārati ( ms. in Bhau Daji collection, Bombay ) composed in 1476 ( probably of the Śaka era ) the author speaks of the Naiṣkarmyasiddhi as a work of Viśvarūpa. In the Samkṣepa-Śaṅkara-jaya, Viśvarūpa is said to be the author of the two vārtikas on Śaṅkara's bhāṣya.<sup>728</sup> According to tradition embodied in the various lives of Śaṅkara, the latter had four pupils, Sureśvara, Padmapāda, Totāka and Hastāmalaka. Several works mention Viśvarūpa as one of the four pupils and omit the name Sureśvara. For example, in the Dvādaśa-vākya-vivaraṇa of Gopāla ( Aufrecht's Oxf. Cat. No. 557, p. 227 b ) the four pupils of Śaṅkara are named as Viśvarūpa, Padmanābha, Totāka and Hastāmalaka. In the Mānasollāsa-vṛttānta-vilāsa of Rāmatīrtha we are expressly

725 इदं च वाक्यं नित्यकर्मविषयत्वेन वार्तिके विश्वरूपाचार्य उदाजहार-आग्ने फलार्थे इत्यादि ह्यापस्तम्बस्मृतेर्वचः । फलवत्त्वं समाचष्टे नित्यानामपि कर्मणाम् ॥

The sūtra of आपस्तम्ब is आप. ध. सू. I. 7. 20. 3 and the कारिका occurs in the बृहदारण्यकोपनिषद्भाष्यवार्तिक ( I. 1. 97 ).

726 The verse is on p. 640 of the बृहदारण्यकोपनिषद्भाष्यवार्तिक.

727 इत्येवं नैष्कर्म्यसिद्धौ ब्रह्माशैर्ब्रह्मवित्तमैः । श्रीमद्विंशिश्वरूपाख्यैराचार्यैः करुणार्णवैः ॥ ( folio 6 ).

728 इत्थं स उक्तो भगवत्पदेन श्रीविश्वरूपो विदुषां वरिष्ठः । चकार भाष्यद्वयवार्तिकं ( ते ? ) आज्ञा गुरुणां ह्यविचारणीया ॥ संक्षेपशङ्करजय 13.68 ( Aufrecht's Oxford Cat. p. 257 ).



told that Sureśvara is another name of Viśvarūpa, a pupil of Śaṅkara (vide Mitra's Notices vol. V, No. 1763, p. 82). In the Saptasūtra-saṁnyāsapaddhati (Mitra's Notices, vol. VI, p. 296) the four pupils are said to be Svarūpācārya, Padmācārya, Toṭaka and Prthvīdhara. The Guruvamśakāvya (Vanivilas ed.) identifies Sureśvara and Viśvarūpa (II. 59) and makes him a pupil of Kumārila and Śaṅkara. It may therefore be held as fairly established that Viśvarūpa and Sureśvara are identical. Some corroboration is afforded by the fact that Viśvarūpa quotes Gaudapāda the 'paramaguru' of Śaṅkara and holds the same philosophical views as those of Śaṅkara. Just as Viśvarūpa quotes Kumārila's Śloka-vārtika, Sureśvara also in his Taittiriyaopanīśadbhāṣya-vārtika quotes a *kārikā* of Kumārila and styles the latter Mīmāṃsakaṁ-manyā.<sup>729</sup> This shows that Sureśvara treated Kumārila with scant respect, which seems unlikely if he was at any time Kumārila's pupil. Viśvarūpa, in his introduction,<sup>730</sup> performs an obeisance to the Sun, the great serpent (Śeṣa), Tilakasvāmin and Vināyaka. The Bhāmatī of Vācaspati-miśra has a similar salutation. Vācaspati-miśra wrote his Nyāyasūci-nibandha in 841-42 A. D. i. e. he was almost a contemporary of Śaṅkara and his pupils. The learned editor of Viś. tells us that in a commentary on Viś. called Vacanamālā Sureśvara is bracketed with Manu and Yogīśvara (Yājñavalkya) as an expounder of Śāstra (i. e. dharma-śāstra).<sup>731</sup> Therefore that commentator looked upon Viś. and

729 मोक्षार्थी न प्रवर्तेत तत्र काम्यनिषिद्धयोः । नित्यनैमित्तिके कुर्यात्प्रत्यवाय-  
जिहासया ॥ इति मीमांसकमन्यः कर्मोक्तं मोक्षसाधनम् । तै. उ. भाष्यवार्तिक  
I. 9-10. The verse मोक्षार्थी &c. is श्लोकवार्तिक (सम्बन्धाक्षेपपरिहार  
verse 110).

730 प्रणम्यार्कं महानागं तिलकस्वामिनं तथा । विनायकं च सद्गोभिः स्मृतिरुद्योत्यते  
मया । विश्वरूप ; vide याज्ञ. I. 289 आदित्यस्य सदा पूजां तिलकस्वामिन-  
स्तथा । महागणपतेश्चैव कुर्वन् सिद्धिमवाप्नुयात् ॥ . The भामती has - मार्तण्ड-  
तिलकस्वामिमहागणपतीन् वयम् । विश्ववन्द्यान्मस्यामः सर्वसिद्धिविधायिनः ॥ .  
तिलकस्वामी would mean तिलकप्रियः स्वामी. The मिताक्षरा reads तिलकं  
स्वामिनस्तथा.

731 अवनम्य मनुसुरेश्वरयोगीश्वरतीव्रकिरणगुरुचरणान् । शास्त्राणां व्याकर्तृन् कर्तृनपि  
देवता निखिलाः ॥ One of the verses at the end of the वचनमाला  
भवभूतिनिबन्धनोद्घोषेतिमिमीमप्रतिवादिके गुरोः । सकटाक्षनिरीक्षणपुत्रं  
पतितं मामयमुद्धरिष्यति ॥ . Vide Tri. Cat. of Madras Govt. 1919-22, pp. 4458-4460 for वचनमाला.



Sureśvara as identical. From all these several considerations it follows that Viśvarūpa flourished about 800–825 A. D. But this problem presents further difficulties. The mutual relations of Sureśvara, Bhavabhūti, Umbeka and Maṇḍana are a great puzzle. I have dealt with this question in JBBRAS for 1928, pp. 289–293. The conclusions arrived at there are that Maṇḍana's literary activity lies between 690–710, that of Umbeka between 700–730 and Sureśvara's between 810–840 A. D. and that Umbeka and Bhavabhūti are identical, but that Maṇḍana and Sureśvara are separated by about 100 years.

In the H. of Dh. Vol. V pp. 1188–1198 the present author has discussed at some length the relative chronological position of Kumārila, Prabhākara, Śālikanātha, Maṇḍanamiśra, Umbeka, Bhavabhūti, Viśvarūpa and Sureśvara and the conclusions relevant to Viśvarūpa are that Maṇḍanamiśra is not identical with Viśvarūpa, that Viśvarūpa and Sureśvara are identical and that Sureśvara is the name of Viśvarūpa after the latter became a *śannyāsin*. The grounds in favour of the identity of Viśvarūpa and Sureśvara are overwhelming as evidenced by the writings of great scholars like Mādhavācārya.

An interesting matter about Viśvarūpa may be mentioned here. On Yāj. I. 162 ( which is one of the verses that state the persons whose food should not be partaken of ), 'grāmayājīn' is one ( who is *abhojyānna* ) and Viś. remarks that among the Mālavas a grāmayājaka is known as ' Vaiśva-devika '. It is possible that Viśvarūpa was an inhabitant of Mālava ( roughly present Malwa ) or that he had stayed there for some years.

Dr. Jolly has brought together in the Journal of Indian History ( vol. III. pp. 1–27 ) some valuable information about Viśvarūpa.

In several later works a digest called Viśvarūpa-nibandha is frequently cited. That appears to be the composition of another Viśvarūpa altogether. For example, the *ṣaṇ-ṇava-śrāddhanirṇaya* of Śivabhaṭṭa ( which is later than 1650 A. D. ) tells us that Viśvarūpācārya composed a *vivaraṇa*.

( commentary ) on the Śrāddhakalikā.<sup>732</sup> The Kṛtyacintāmaṇi of Śivarāma ( No. 221 of 1879-80 in the Govt. Mss. Lib. at the B. O. R. Institute, Poona 4 ) quotes several<sup>733</sup> verses from Viśvarūpanibandha on *sapinda* relationship in marriage, which are not found in the Bālakṛidā, but which agree remarkably with the words of the Mit. on Yāj. I. 53. The Varsakriyākaumudī ( pp. 378, 380 ) mentions Viśvarūpanibandha and quotes two verses cited therein. The Tithi-nirṇaya-sarvasamuccaya ( later than 1450 A. D. ) quotes certain *kārikās* of Viśvarūpa on the 18 varieties of Ekādaśī.<sup>734</sup> The Kālanirṇayasiddhāntavyākhyā ( composed in 1653 A. D. ) quotes certain verses of Viśvarūpa on the question of the disposal of food prepared for a marriage when a period of impurity on death supervenes.<sup>735</sup> The Nirṇayasindhu also quotes verses of Viśvarūpa. From these data it follows that a Viśvarūpa composed a commentary on Śrāddhakalikā and also wrote a digest on matters of ācāra and other topics of dharma in prose and verse. Raghunandana in his Udvāha-tattva ( ed. by Jivananda, p. 116 ) names a Viśvarūpa-samuccaya. It is likely that it is the same as Viśvarūpanibandha.

## 62. Bhāruci

The Mit. on Yāj. ( I. 81 ) says that Bhāruci like Viśvarūpa held the view that the rule 'ṛtau bhāryām gacchet' was a *niyama* and not a *parisaṅkhyā*. On Yāj. II 124 the Mit. says that the explanation of 'the fourth share' to be given to unmarried sisters offered by Asahāya and Medhātithi was the

732 अत एवोक्तं श्राद्धकलिकायां-मासिकानि सपिण्डं च अमावास्या तथाद्विकम् ।  
अनेनैव तु कर्तव्यं यस्य भार्या रजस्वला ॥ इति । अनेनैव कर्तव्यं न  
त्वामात्रादिनेति च कलिकाविवरणेपि श्रीमद्विश्वरूपाचार्यव्याख्यानम् । Ms. in  
the Bhadkamkar Collection, folio 7b.

733 विश्वरूपनिबन्धे । एवमुक्तप्रकारेण पितृबन्धुषु सप्तमात् । ऊर्ध्वमेव विवाह्यत्वं  
पञ्चमान्मातृबन्धुतः ॥ सन्तानो भिद्यते यस्मात्पूर्वजादुभयत्र च । तमादाय  
गणे ( गणेद् ) धीमान्वरं यावच्च कन्यकाम् ॥ इति कृत्यचिन्तामणि folio 150.  
The Mit. says 'सन्तानभेदेपि यतः सन्तानभेदस्तमादाय गणयेद्यावत्सप्तम  
इति सर्वत्र योजनीयम् ।'.

734 एवं स्मार्ताभिप्रायेण विश्वरूपेणापि अष्टादश भेदा उक्ताः ।  
Bhadkamkar collection, folio 19a.

735 Ms. in Bhadkamkar collection, folio 137b on verse 82.



proper one and not that of Bhāruci. The Parāśaramādhaviya<sup>736</sup> and the Sarasvativilāsa ( para 133 ) inform us that Bhāruci was of opinion that unmarried sisters were only entitled to a provision for their marriage and were not entitled to a fourth share.

The Smṛticandrikā ( on Vyavahāra p. 268 ) holds that the Viṣṇudharmasūtra ( chap. 18 ) and Yāj. II. 124 ( bhaginyaśca...dattvāṁśam tu turīyakam ) not to be taken literally but all that is meant is that provision has to be made for the marriage expenses of the unmarried sisters of the sons taking the paternal wealth. The Par. M. ( III. p. 510 ) notes that this was the view of Bhāruci ( as against Medhātithi and Vijñāneśvara and also of the Smṛticandrikā ).

Vide Dr. T. R. Chintamani's paper on ' Bhāruci ' ( in the Pro. of All India Or. Conf. at Benares in 1943-44, vol. II, pp. 352-360, where he first collects 50 passages of Bhāruci found in the Sarasvativilāsa, then puts together passages where Medhātithi refers to the views of Upādhyāya and then refers to a fragment of Manusmṛti commentary ( on chapters VI to XII ) where some colophons read Ṛjuvimalā and others Bhāruci.

Bhāruci, being mentioned by the Mit., is certainly older than 1050 A. D. Rāmānujācārya, in his Vedārthasaṅgraha ( reprint from the *Pandit*, ed. of 1924, p. 154 ), mentions six ācāryas that preceded him as expounders of the Viśiṣṭādvaita system, viz. Bodhāyana, Tanka, Dramiḍa, Guhadeva, Kapardin and Bhāruci. Similarly, the Yatīndramatadīpikā<sup>737</sup> of Śrinivāsadāsa ( Ānandāśrama ed. ) enumerates ( p. 2 ) a host of teachers as the predecessors of Rāmānujācārya in propounding the Viśiṣṭādvaita system. Vyāsa is the reputed author of the Vedāntasūtras, Bodhāyana is said to have composed a *vṛtti* on the Vedānta-sūtras called Kṛtakoti according to the

736 भारुचिस्तु चतुर्थभागपदेन विवाहसंस्कारमात्रोपयोगिं द्रव्यं विवक्षितं, अतो दायभाक्त्वमसंस्कृतकन्यानां नास्तीति मन्यते । परा. मा. vol. III, 2. p. 510.

737 In the edition of the Vedārthasaṅgraha with English translation by S. S. Raghavachar published by Rāmakṛṣṇāśrama ( Mysore, 1958 ) p. 102 paragraph 130 we read :

भगवद्बोधायन-टङ्क-द्रमिड-गुहदेव-कर्पदि-भारुचि-प्रभृत्यविगीताशिष्टपरिगृहीत



Prapañca-hrdaya ( p. 39, Trivandrum ed. ). Tanka and Brahmanandin are identical. Dramiḍa is credited with the authorship of a *bhāṣya* on the Vedānta-sūtras ( which is quoted by Rāmānuja in his *bhāṣya* on II. 2. 3 ). Nāthamuni is said to have been the grand-father of Yāmunamuni, who was born about 916 A. D. Rāmānuja refers to him with great reverence as his teacher's teacher (*parama-guru*), vide Vedārtha-saṁgraha, ( p. 149 ) and is said to have been young when Yāmuna died ( vide J. R. A. S. for 1915, p. 147 and I. A. for 1909, p. 129 ). It is therefore obvious that the teachers are arranged by the Yatīndramatatadīpikā in chronological order. Hence Bhāruci, being placed earlier than even Dramiḍa and Nāthamuni, was comparatively an ancient author and could not have flourished later than the first half of the 9th century. Bhāruci, the jurist, also flourished before 1050. It is difficult to believe that there were two famous writers of the same name nearly about the same time. Hence it may provisionally be held that Bhāruci the writer on dharmaśāstra and Bhāruci the Viśiṣṭādvaita philosopher are identical. If this identity be accepted, then Bhāruci the writer on dharmaśāstra becomes comparatively an early writer, being at least as old as Viśvarūpa. His views agree on several points with those of Viśvarūpa, which is a circumstance that lends some corroboration to the date proposed for him.

One interesting point about Bhāruci deserves mention here. From numerous notices contained in the Sarasvatīvilāsa it appears that Bhāruci either commented upon the Viṣṇu-dharmasūtra or wrote some work in which he took great pains to incorporate explanations of several sūtras of Viṣṇu. For example, para 637 tells us that Bhāruci explained the word 'bija' occurring in a sūtra of Viṣṇu as 'piṇḍa'.<sup>738</sup> In para 674 we are told that Bhāruci explained the word 'niṣkāraṇa' in a sūtra of Viṣṇu and that he held that a daughter's son has not to perform the śrāddha of his maternal grandfather if the latter has a son. Sudarśanācārya in his comment upon Āpastambagrhya ( 8. 21. 2 ) ascribes the same

738 यथाह भारुचिरेतद्विष्णुवचनव्याख्यानावसरे बीजशब्दः पिण्डवर्चीति । स. वि.  
para 637 ( pp. 422-23 of Mysore ed. ). The sūtra of विष्णु is  
ग्रहणानुविधायमंशं गृहीयात् ' स. वि. para 636.





view to Bhāruci and quotes the very words of Bhāruci.<sup>739</sup> Vide J B B R A S for 1925 pp. 210-211 for further examples. There is nothing unnatural in Bhāruci, the Viśiṣṭādvaita philosopher, having composed a commentary on the Viṣṇu-dharmasūtra. The extant Viṣṇudharmasūtra contains doctrines peculiar to the Viśiṣṭādvaita system such as the worship of Nārāyaṇa or Vāsudeva, the four Vyūhas of Vāsudeva &c. If Bhāruci was a Viśiṣṭādvaitin he would naturally turn to the sūtra of Viṣṇu as having the greatest claim on his attention. Many of the sūtras of Viṣṇu quoted in the Sarasvatīvilāsa with the explanations of Bhāruci are not found in the printed text of Viṣṇu, on which Nandapaṇḍita commented in the first half of the 17th century. It appears that the Sarasvatīvilāsa had before it a larger version of Viṣṇu current in the South ( vide note 118 p. 127 above ).

On several points there is divergence between the views of Bhāruci and those of the Mit. Bhāruci differed from the Mit. as to the definition of *dāya* and *vibhāga*, he allowed *niyoga* to childless widows, while the Mit. condemned it in the case of all widows; Bhāruci, like Viśvarūpa, did not mention *sapratibandha* and *apratibandha dāya*; Bhāruci, like Viśvarūpa, held that a coparcener who concealed some joint property was not guilty of theft, while the Mit. held that he was. Vide J B B R A S for 1925 pp. 211-13 for more examples and details.

Prof. T. R. Chintamani submitted an important paper at the Benares Session of the All India O. Conf. ( in 1943-4 ) which is published in the proceedings, Vol. II pp. 352-360, wherein he informed scholars that at Trivandrum exists a ms. containing a fragment of Bhāruci's commentary on Manu called ( Manuśāstra-vivarāṇa ) on Adhyāya VI ( almost from the beginning ), on adhyāyas VII-XI and on a portion of

739 अत्र भारुचिः । निष्कारणमिति वदता विष्णुना समनन्तरकर्तृणां पुत्रादीनां विद्यमानत्वे दौहित्रस्य न कर्तृत्वसंक्रान्तिरिति । स. वि. para 674 ( p. 427 ). The sūtra of विष्णु is दौहित्रस्य मातामहश्चादं निष्कारणम् . The words of सुदर्शनाचार्य are इममेवार्थं भारुचिरप्याह यस्मिन्पक्षे अपुत्रो मातामहः पुत्रिकामुतश्चाखिलद्रव्यहारी तस्मिन्पक्षे तस्य पिण्डदनिनियमः इत्येवम् । ग्रन्थेन ।



adhyāya XII. Dr. J. D. M. Derrett<sup>740</sup> ( recently contributed a paper to the Journal of the American Oriental Society ( Vol. 84 for 1964 pp. 392-395 ) on ' Bhāruci on royal regulative power in India ', based on Bhāruci's explanation of Manu VII. 13; and another paper in Z. D. M. G. Vol 115 pp. 134-152 ( where on pp. 141-151 he arranges in three parallel columns parts of Bhāruci's commentary and Medhātithi's Bhāṣya on Manu VII. 50, 54, 147, 153, 154, with parallel passages from Kauṭilya's Arthaśāstra and on p. 144 of his paper compares only Bhāruci and Medhātithi on Manu VII. 52. Dr. Derrett holds ( pp. 139-40 of his paper ) that Bhāruci is nearer A. D. 700 than the period 800-850 which was assigned to Bhāruci in the H. of Dh. Vol. I. 1930 ) p. 265. Dr. Derrett holds ( p. 138 of the paper ) that the passages which Medhātithi takes without acknowledgement from Kauṭilya are not obtained from the Arthaśāstra direct, but from Bhārucin, who is quoting from Kauṭilya with occasional adjustments, that Medhātithi did not know that he was reproducing the Arthaśāstra, that the Ms. used by Medhātithi was defective, that in some places he could not read it.

What Manu VII. 13<sup>741</sup> means is : there are several desirable matters ( iṣṭeṣu ), but the king might decide ( or resolve ) to strictly enforce one of them. In that case that matter becomes a rule of Dharma. The same applies to other matters that are undesirable ( aniṣṭeṣu ) but the king may resolve to put down with a strong hand one undesirable matter out of many. That would then become the rule of the realm and it has to be obeyed by all. Bhāruci's exegesis comes to this that the king is not the source of the rules of Dharma, but it is Śāstra that defines the rules binding on the different varṇas ( classes ) and

740 Dr. Derrett employs the word Bhāruci in his paper in the J. A. O. S. cited above, while he employs the word ' Bhārucin ' in his paper appearing in Z. D. M. G. Probably the Trivandrum Ms. employs that form of the name.

741 मनु VII. 13 is : तस्माद्धर्मं यमिष्टेषु स व्यवस्थेन्नराधिपः । अनिष्टं चाप्यनिष्टेषु तं धर्मं न विचालयेत् ॥ भारुचि's comment is : न हि राजा वर्णाश्रमधर्मप्रवृत्तौ हेतुः, शास्त्रलक्षणत्वात् । धर्माधर्मयोरव्यवस्था चैवं स्यात् । व्यवस्थाकारिणा च शास्त्रेण भवितव्यम् । तथा च बहुकृत्वस्तदुक्तिः । रोधश्चान्याप्यः । यतः प्रकरणाद् राजस्तुतिपरमेतदवगन्तव्यम्, लोभक्षया वेदं विज्ञेयं शास्त्रम् ।



āśramas ( stages of man's life ). If the king were held to be the source of Dharma and adharma there would be great confusion ; one king may make certain rules, while his successor might abrogate them and promulgate other and different rules. He further says that the king often times repeats what the Śāstra states ( bahukṛtvas-taduktiḥ ) and that opposing the dicta of Śāstra would be wrong and moreover one should hold that this text only extols the king's office as the context shows.

In the edition of Mandlik on Manu VIII. 150, Medhātithi explains that that verse, according to some great ones was explained ( iti mahattarair-vyākhyātam ) and immediately afterwards sets out the differing view of Yajvan and on Manu VIII. 151, Medhātithi mentions the explanation of R̥ju. Dr. Derrett ( in footnote 20 on p. 141 of his paper in Z. D. M. G. ) puts forward the suggestion that Yajvan ought to be taken as standing for R̥ju and that Bhāruci is R̥ju. In the present state of our knowledge I cannot agree to this suggestion. From Medhātithi's bhāṣya on Manu II. 6<sup>742</sup> ( which is a very long one, occupying more than seven printed pages ) it appears that there were many persons designated by Medhātithi as ' Smṛtivarṇakārāḥ ' as the quotation cited below will show. On Manu II. 25 he refers to the exegesis of Vivarṇakāras that Dharma has five aspects ( pañcaprakāro dharma iti Vivarṇakārāḥ prapañcayanti ). It is clear from the parallel passages cited by Dr. Derrett on pp. 141-151 that there is remarkable agreement between the explanation of Bhāruci and of Medhātithi and that probably it is Medhātithi that borrows. But one's judgment may be suspended till the

742 इदानीमुत्सन्ना सा शाखा यस्यामपि स्मार्त्ता धर्मा आसन् ॥ ... अथ अद्यत्वे पठ्यन्त एव ताः शाखाः किं तु विप्रकीर्णास्ते धर्माः कस्यांचिच्छाखायामष्टकादिकर्मणामुत्पत्तिः कस्यांचिद् द्रव्यं कचिद्देवता कचिन्मन्त्र इत्येवं विप्रकीर्णानां मन्वादयोऽङ्गोपसंहारं सुखावबोधाय चक्रुः । अथ मन्त्रार्थवादलिङ्गमात्रप्रभवा एते धर्माः । अथायमनादिरनुष्ठेयार्थोऽविच्छिन्नपारंपर्यसंप्रदायायातो वेदवज्रित्य उतास्मदादीनामिव मन्वादीनामपि परप्रत्ययानुष्ठानो नित्यानुमेय श्रुतिक इत्येवमादि बहुविकल्पं विचारयन्ति विवरणकाराः । ... निपुणतश्चैतन्निर्णीतमस्माभिः स्मृतिविवेके । मेधा. on मनु II. 6 p. 97 ( Mandlik's ed. )  
A little above on the same page, he says ' विवरणकारास्तु युक्ति-  
लेशमत्र दर्शयन्ति'.

whole of Bhāruci's available text is printed and carefully studied. Vide remarks under Sarasvativilāsa of Prātāparudra-deva for various passages of Bhāruci referred to and Manu, particularly VII. 13.

### 63. Śrīkara

The Mit. on Yāj. II. 135 alludes to the view of Śrīkara and others that the widow succeeded as heir to her deceased husband's estate if it was small.<sup>743</sup> The Smṛtisāra<sup>744</sup> of Harinātha attributes the same view to Śrīkara and disapproves of it. On Yāj. II. 169 the Mit.<sup>745</sup> cites the view of Śrīkara about that topic and disapproves of it. Viśvarūpa also gives two explanations of that verse of Yāj., the first of which agrees with that of the Mit. and the second is akin to Śrīkara's.

The works of Jīmūtavāhana ( viz. the Dāyabhāga and the Vyavahāramātrkā ), the Smṛticandrikā and the Sarasvatīvilāsa contain very interesting notices of Śrīkara's views. Many of them were brought together by me in JBBRAS for 1925, pp. 213-215. Śrīkara like Viśvarūpa held the view that 'duhitarah in Yāj. refers to the putrikā, he allowed the parents of a childless person to succeed together at the same time. The Dāyabhāga very severely criticizes the views of Śrīkara on the succession to re-united members, on vidyādhana and on Yāj. II. 24 ( about enjoyment for 20 years ).<sup>746</sup> Most of the views attributed to Śrīkara were also entertained by Viśvarūpa or are more antiquated than Viśvarūpa's.

743 एतेनाल्पधनविषयत्वं श्रीकरादिभिरुक्तं निरस्तं वेदितव्यम् ।

744 न च स्वल्पबलत्वे ( धनत्वे ? ) पत्नी दुहितर इति बहुधनत्वे भ्रातृणामप्रजा इति वचनमिति श्रीकरमतमुच्यते । स्वतिसार I. O. cat. No. 301, folio 128a.

745 अथाविदितदेशान्तरं यतः कालान्तरे वा विपन्नस्तदा मूलसमाहरणाशक्तेर्विक्रितारमदर्शयित्वैव स्वयमेव तद्धनं नाष्टिकस्य समर्पयेत् । तावतैवासौ शुद्धो भवतीति श्रीकराचार्येण व्याख्यातं तदिदमनुपपन्नम् । मिताक्षरा ; the स. वि. p. 307 ( Mysore ed. ) quotes these very words ' अथाविदित ... समर्पयेदिति श्रीकररूपिकादय आहुः । विज्ञानेश्वरस्तु &c. '.

746 Vide Vyavahāratattva of Raghunandana ( p. 223, Jivananda's edition of 1895 ) where he quotes Śrīkara as the first among a host of writers that held that possession and enjoyment for twenty years ( in the case of 'sthāvara' ) and ten years ( in the case of movable property ) in accordance with Yāj. II. 24 creates own

( Continued on the next page )



Śrīkara was probably a writer from Mithilā and seems to have propounded the view of spiritual benefit as the criterion for judging superior rights of succession. The Smṛtisāra<sup>747</sup> of Harinātha ascribes such a view to a Śrīkara-nibandha.

Whether Śrīkara wrote a commentary on a smṛti or a general digest ( nibandha ) it is difficult to say. The Smṛticandrikā<sup>748</sup> says that Śambhu, Śrīkara and Devasvāmin compiled digests of smṛtis and added their own explanations of them. The Smṛtyarthasāra<sup>749</sup> of Śrīdhara asserts in the introductory verses that Śrīkaṇṭha and Śrīkarācārya filled up the gaps in the smṛtis that were scattered about ( by introducing order out of chaos ). Śrīkara's explanations of Yājñavalkya are frequently cited by the Mit., the Dāyabhāga and others. But the Mit. does not connect Śrīkara's name with Yājñavalkya as a commentator, though Viśvarūpa is expressly so connected. It appears therefore more likely that Śrīkara

( Continued from the previous page )

‘ तस्माद्याज्ञवल्क्यादिवचनाद्विंशतिवर्षदशवर्षादिकैर्भोग एव स्वत्वं जनयाति । ... एवमेव श्रीकर-बालक-योगलोक-भवदेवभट्ट-शूलपाणि-कुल्लूकभट्ट-चण्डेश्वरमन्त्रि-नव्यवर्धमानोपाध्यायप्रभृतयः । व्यवहारोपि तादृगेव । एतद्विरुद्धवचनान्यथा व्याख्येयानि । ’ ; व्यवहारनिर्णय of वरदराज p. 135 refers to this topic. Śambhu is quoted by Aparārka ( p. 475 on ācāra ) and by Vyavahāra-prakāśa ( of Pṛthvicandra ) p. 176 as having the same verse on ordeals with Nārada.

747 Vide स्मृतिसार ( I. O. cat. No. 301, folio 147a ) मृतसन्तानाभावे तत्पितृ-सन्ततेस्तद्धनं तद्भावे च तत्पितामहसन्ततेः ... इति त्रयाणामुदकं कार्यमित्यादिना दर्शितम् । एतद्वत् त्रयाणामपि जन्यजनककमेणैव पूर्ववत्संनिधानादर्थ-प्राप्तितेति सपिण्डाभावे सकुल्यानां धनभागितेति अनन्तरः सपिण्डाद्यः । इत्यादिना दर्शितम् ।

748 ये पुनः स्मृतिसमुच्चयकाराः शम्भुश्रीकरदेवस्वाम्यादयः संप्रत्युद्धारविषम-विभागयोः शिष्टाचारं मन्यमाना उद्धारविषयाणि स्मृतिवाक्यानि विचारयितुं ग्रन्थविस्तारं चक्रिरे । स्मृतिच० ( व्य० section p. 266 ).

749 श्रीकण्ठश्रीकराचार्यैः श्रुतिस्मृतिपुराणगैः । स्मृतिशास्त्रेष्वनेकेषु विप्रकीर्णेष्वनेकधा । अनुष्ठात्रुपकारार्थं स्मृतिच्छिद्रं प्रयत्नतः । पुराणन्यायमीमांसासाङ्गवेदैः प्रपूरितम् ॥ स्मृत्यर्थसार ( Ms. No. 44 of 1870-71 in the Govt. Mus. Library at the B. O. R. Institute, Poona 4, copied in संवत् 1945, has these verses ). ॥

wrote a digest of *smṛtis* in which he paid particular attention to the explanation of the words of Yājñavalkya. The *Rājānīratnākara*<sup>750</sup> of Caṇḍeśvara quotes the views of Śrīkara on *Rājanīti*, one of which is that the poor and helpless are entitled to a share of the royal wealth.

Hemādri<sup>751</sup> quotes the view of Śrīkara on Viṣṇu and disapproves of the faults found therein by the author of the *Paṇḍita-paritoṣa*.

As Śrīkara is quoted by the *Mit.*, he is certainly earlier than 1050 A. D. As his views agree largely with Viśvarūpa's he may provisionally be regarded as nearly of the same period as Viśvarūpa's. He cannot be earlier than Asahāya who is named both by Viśvarūpa and Medhātithi, though both of them are silent about Śrīkara. Hence Śrīkara must be placed somewhere between 800 and 1050 A. D. and probably flourished in the 9th century.

This Śrīkara must be distinguished from another Śrīkara, the father of Śrīnātha.

#### 64. Medhātithi

Medhātithi is the author of an extensive and erudite commentary (*bhāṣya*) on the *Manusmṛti*. It is the oldest extant commentary on that *smṛti*. The *bhāṣya* of Medhātithi was first published about forty years ago by Rao Saheb V. N. Mandlik in Bombay and recently Mr. J. R. Gharpure of Bombay brought out an edition of Medhātithi which closely follows Mandlik's edition. A critical edition of the *bhāṣya* based upon all the available Mss. is a great *desideratum*. A new edition in two volumes based on several mss. edited by M. M. Dr. Ganganath Jha was published in the G. O. I. Series in 1932 and 1939. In this edition also ten verses in the 3rd *adhyāya* are wanting and in *adhyāya* nine there

750 'राजधने दीनानाथादिसकलप्राणिनामंशित्वं बहुनायकत्वाद्राज्यविनाशश्चेति युक्तिरिति गोपाललक्ष्मीधरश्रीकरादयः ।' राजनीतिरत्नाकर p. 81 (ed. by Jayasval).

751 अत्र श्रीकरः प्राह । यदा गतकाले अमावास्याद्वयं भवति तदा मिथुनादितरेष्वष्टौ षाढीभावात् । ... अत्र च पण्डितपरितोषकृता दूषणमभिहितम् । अनुपपन्नं मेतत् । ... तेन श्रीकराणां मतमेव साधु । चतुर्वर्ग० III, 2, pp. 990-903.

are substantial lacunas in the commentary on verses 1, 4-6 as in Mandlik's edition. An English translation of the *bhāṣya* by M. M. Dr. Ganganath Jha is in progress and several parts have been published so far. In the following, Mr. Gharpure's edition has been used. The *bhāṣya* as printed is corrupt in many places, particularly in the 8th, 9th and 12th *adhyāyas*. In Mr. Gharpure's edition there is no *bhāṣya* on verses 182-202 of the 9th chapter.

Bühler in his learned and exhaustive Introduction to the Manusmṛti ( S. B. E. vol. 25 ) brings together a good deal of information about Medhātithi ( pp. CXVIII-CXXVI ). In J B B R A S for 1925, pp. 217-221, I have offered criticisms on some of Bühler's views and have given some additional information.

In several Mss. of the *bhāṣya* at the end of several *adhyāyas* occurs a verse<sup>752</sup> which says that a king named Madana, son of Sahāraṇa, brought copies of Medhātithi's commentary from another country and effected a restoration ( *jīrṇoddhāra* ). This does not refer to the restoration of the text of Medhātithi, but to the completion of the library of the king, who was Madanapāla, son of Sādhāraṇa and flourished, as we shall see later on, in the latter half of the 14th century.

Dr. Jolly ( Tagore Law Lectures p. 6 ) holds Medhātithi to be a southerner on account of the fact that his father's name was Vīrasvāmin and on account of the attention paid to his *bhāṣya* by southern writers. It cannot be said that names ending in 'svāmin' were a monopoly of the south. The Rājataranginī gives literary celebrities whose names ended in 'svāmin' ( e. g. V. 34 mentions a Śivasvāmī ). Kṣīrasvāmin was a Kāśhmīrian. The south has always been famed for preserving Mss. of valuable works from the north. Mss. of the Kāvya-lamkāra of Bhāmaha, a Kāśhmīrian, are very rare and have been found only in the south. Bühler ( p. CXX III )

752 मान्या कापि मनुस्मृतिस्तदुचिता व्याख्या हि मेधातिथेः सा लुप्तैव विधेर्वशात्  
कचिदपि प्राप्यं न यत्पुस्तकम् । क्षोणीन्द्रो मदनः सहारणमुतो देशान्तरादाहृतै-  
र्जोर्णोद्धारमचीकरत्तत इतस्तत्पुस्तकैर्लेखितैः ॥ सहारण is a Prākṛit form of  
साधारण.





seems to be right in holding that Medhātithi was a Kāshmirian (or at least an inhabitant of Northern India). In explaining such words as 'svarāstre' and 'janapadaḥ' (Manu VII. 32 and VIII. 42) Medhātithi introduces Kashmir. He gives (on Manu VIII. 400) the monopoly of the sale of elephants as a privilege of the kings of Kashmir where saffron abounds.<sup>753</sup> He says that the rainbow is called 'vijñāna-chāyā' in Kashmir (on Manu IV. 59). He very frequently refers to northerners i. e. on Manu III. 234 he says 'kutapa' is the word for what is well-known as 'kambala' among northern people and on III. 238 he says 'northern people' wrap their heads with *śāṭakas* (garments). He says on Manu II. 24 that in the Himālayas in Kashmir it is not possible to perform the daily *sandhyā* in the open nor is it possible to bathe every day in a river in 'Hemanta' and 'Śīśira'. On Manu II. 18 he says 'in other countries, some say, people marry one's maternal uncle's daughter; but that is opposed to the words of Gautama' (4. 3) and proceeds 'even in that country taking food in the same plate with (or in the company of) one whose thread ceremony is not performed is not at all regarded as *dharma* (but as improper conduct)'. This is clearly a reference to Baudhāyana Dh. S. (I. 1. 19) according to which 'mātulasutā-pariṇayana' and taking food in the same plate with one whose *upanayana* is not performed are two of the five usages peculiar to the south. It is fair to add that later writers like Kamalākarabhaṭṭa (Nirṇayasindhu, 3rd pariccheda on sāpinḍya) regard Medhātithi as a southerner.

Medhātithi quotes from or names numerous smṛti writers, such as Gautama, Baudhāyana, Āpastamba, Vasiṣṭha Viṣṇu, Śaṅkha, Manu, Yāj., Nārada, Parāśara, Brhaspati, Kātyāyana and others. He refers to Brhaspati as a writer on 'vārtā' (Manu VII. 43 and IX, 326) and to Brhaspati and Uśanas as writers on politics and government (Manu VIII. 285, VII. 2 and 155). On Manu VII. 43 he refers to *Cāṇakya* as a writer on 'daṇḍanīti'. In numerous places he seems to have

753 यानि भाण्डानि राजोपयोगितया यथा हस्तिनः काश्मीरेषु कुङ्कुमप्रायेषु पट्टोर्णादीनि प्रतीच्येष्वश्वा दाक्षिणात्येषु मणिमुक्तादीनि &c. Should we not read यथा हस्तिनः काश्मीरेषु कुङ्कुमं प्रायेषु पट्टोर्णादीनि? The meaning then would be elephants are the monopoly of kings everywhere, saffron in Kashmir &c.



drawn upon Kauṭilya's work. For example, on Manu VII. 155 in interpreting 'pañcavarga' as 'kāpatika, udāsthita, grhapatika, vaidehika and tāpasavyaṅjana' he explains them almost in the words of Kauṭilya (I. 2). On VII. 148 he quotes the five aṅgas of *mantra* in the very words of Kauṭilya.<sup>754</sup> Vide also his remarks on Manu VII. 54 (testing of ministers by *upadhās*). He names Asahāya (on 8. 156) and certain writers as Smṛtivarṇakārāḥ (on II. 25). Bühler is not quite accurate (p. cxx, n. 1) when he states that 'Medhātithi gives only once the name of an early commentator'. On VIII. 3 he refers to the interpretations of Bharṭṛyajña. He refers to the interpretations of Yajvan (on VIII. 151 and 156). Yajvan is only the last part of a name (as in Devarājajayvan). He quotes the interpretation of Manu by Upādhyāya (on II. 109, IV. 162, V. 43, IX. 141 and 147). Bühler holds that Medhātithi refers to his own teacher. It is more likely that Upādhyāya, like Yajvan, is the name or part of the name of a previous commentator of Manu. On VIII. 152 the explanations of R̥ju are twice cited. On IX. 253 Medhātithi cites the view of one Viṣṇusvāmin.<sup>755</sup> From the tenor of the quotation it appears that Viṣṇusvāmin was a writer on Mīmāṃsā and not a commentator of Manu as Bühler thought (p. cxx, n. 1). Some Mss. read the word preceding Viṣṇusvāmī as 'kovara', others as 'kāvara'. It is probably 'kāvera' (residing on the Kāverī river).

He quotes (on Manu I. 19) a verse from the Sāṅkhyakārikā (prakṛter mahān &c). On Manu I. 5 Medhātithi remarks that the evolution set out (in Manu I. 5 ff) is in some parts based on the Purāṇas and in some other parts based on the Sāṅkhya system and that it does not matter much as regards 'dharma' and 'adharma' whether it (i. e. evolution) is well understood or not. He further states that 'Mahān' occurring in Manu I. 15 is the Sāṅkhya 'Mahatattva' and that in Manu I. 16 'ahaṅkāra' and the five 'tanmātrās' of the Sāṅkhya system are mentioned. On Manu

754 इमान्यङ्गानि कर्मणामारम्भोपायः पुरुषद्रव्यसंपत् देशकालविभागः विनिपात-  
प्रतीकारः कार्यसिद्धिरिति । मेधातिथि ; compare कौटिल्य I. 15 'कर्मणामारम्भोपायः ... कार्यसिद्धिरिति पञ्चाङ्गो मन्त्रः' ।

755 अतो यावती काचित्फलश्रुतिः सा सर्वार्थवाद इति कोवरविष्णुस्वामी ।



I. 17 he quotes a part of Sāṅkhyakārikā 22 (pañcabhyaḥ pañca bhūtāni) and on I. 19 quotes the first half of the same *kārikā*. He further remarks that the Paurāṇic procedure of evolution is mentioned by Manu in I. 21 ff. He speaks of Vindhyavāsa<sup>756</sup> as a Sāṅkhya and says that he does not admit a subtle interim body (antarābhavadeha). This is probably taken from Kumārila's words.<sup>757</sup> He repeatedly refers to the *purāṇas*, tells us (on III. 232) that they were composed by Vyāsa and contained accounts of creation. He quotes (on XII. 118) a verse from the Vākyapradīpa.<sup>758</sup>

He tells us (on II. 6) that the Pāñcarātras, Nirgranthas (Jains) and Pāśupatas were outside the pale of Vedic orthodoxy.<sup>759</sup>

Medhātithi had drunk deep at the fountain of the Pūrva-mīmāṃsā. His bhāṣya is full of the terms *vidhi* and *arthavāda*. On Manu III. 45 (ṛtu-kālābhigāmi syāt) Medhātithi discusses whether this is a *nīyama* or *parisaṅkhyā* just as the Mit. on Yāj. I. 79 and 81 discusses the same question and Medhātithi quotes the well-known verse 'vidhir-atyantama-prāptau niyamaḥ pākṣike sati' &c. Medhātithi (at the end of his commentary on Manu I. 11) remarks that these are *arthavādas* and are to be explained some-how in a metaphorical sense, and not literally (Arthavādā... yathā kathāñcidguṇavādena nīyante). For Arthavāda and its three varieties, vide H. of Dh. Vol. V. part 2 pp. 1240-1. On Manu II. 1 he remarks 'in the first adhyāya five or six verses are meant to set out the purpose of this śāstra, the rest are arthavādas and it does not matter much if they are not well understood; instruction is directly given here (in II. 1 and the following verses on 'What Dharma is'. Even in Chap. II he remarks that II. 83, 87, 233 are mere *arthavādas*, Vide, for example, remarks on Manu III. 17, 19, 37, 50, 56, V. 53-54, VIII. 21, 22, 98 &c. He quotes Jaimini's Sūtras frequently and applies them to the interpretation of smṛti texts at every step. Vide J B B R A S for 1925 p. 219 for

756 सांख्या हि केचिन्नान्तराभवमिच्छन्ति विन्ध्यवासप्रभृतयः । मेधातिथि on मनु I. 55.

757 अन्तराभवेदहस्तु निषिद्धो विन्ध्यवासिना । श्लोकवार्तिक p. 704.

758 उक्तं च वाक्यप्रदीपे-न तदस्ति च तन्नाम्नि इत्यादि । Dr. Kielhorn told Dr. Bühler that the verse is not found in the वाक्यप्रदीप (S. B. E. vol. 25, CXXIII. n. 1).

759 एवं सर्व एव बाह्या भोजकमाश्वरात्रिकनिर्ग्रन्था नार्थवादपाशुपतप्रभृतयः ।



examples. He cites passages from Śabara's *bhāṣya* (e. g. on III. 1). He mentions Kumārila by name (on I. 3) and as Bhaṭṭapāda (on Manu II. 18).

Medhātithi mentions several *nyāyas* for explaining the Manusmṛti. On II. 29 he extends the Mīmāṃsānyāya (sarvaśākhāpratyayam-ekam karma' P. M. S. II. 4. 8-33 which applies to Vedic passages) to Smṛtis also and states that where the smṛtis differ, there is either an option or all provisions of the Smṛtis on a certain point are to be added up; vide H. of Dh. Vol. V. p. 1350 for this *nyāya*. On Manu II. 101 he mentions the *nyāya* 'Guṇalope ca mukhyasya' for an explanation of which, vide H. of Dh. Vol. V. p. 1343 (where it is shown that it is based on P. M. S. X. 2. 63). On Manu II. 102 he quotes the verse 'arke cet madhu vindeta kimartham parvatam vrajet' (quoted by Śabara on I. 2. 4). Vide H. Dh. Vol. V. p. 1340 for references. On Manu X. 127 Medhātithi relies on 'Yāvad-vacanam 'vācanikam', for which vide H. Dh. V. p. 1348. Another *nyāya* that M. mentions is 'nimittāvṛttau naimittikāvṛttiḥ' on Manu XI. 220, which is explained in H. of Dh. Vol. V. p. 1345.

Some common *nyāyas* mentioned by M. are 'Brāhmaṇa-parivṛājakanyāya (on Manu I. 22), Kākatāliya-nyāya (on Manu I. 12), Viśvajit-nyāya (on Manu II. 2).

Bühler at first took the remark on Manu XII. 19) about 'Śārīraka' as<sup>760</sup> referring to Śaṅkara's *bhāṣya* on the Vedānta-sūtra, but later on changed his opinion (S B E vol. 25, p. CXXII) and held that it probably implies a reference to the Śārīraka sūtras. Bühler's considered opinion does not seem to be right. The words 'yatheha rājā...apaiti' are a summary of Śaṅkara's *bhāṣya* on Vedāntasūtra II. 1. 34 and II. 3. 42. and I. 2. 11-12. On Manu II. 83 he refers to the Upaniṣad-bhāṣya<sup>761</sup> on Chāndogya II. 23. 4 and says that that passage

760 ननु च धर्माधर्मयोरिच्छां प्रति नियन्तृत्वे ऐश्वर्यं हीयते । तथा शारीरके दर्शितं-यथेह राजा सेवानुरूपं ददाति न च तस्येश्वरत्वमपैति अतो महत्परमात्मानौ पश्यत इति व्यपदिश्यते ।

761 उपनिषद्भाष्ये चैतदन्यथा व्याख्यातं तत्त्वहानुपयोगान्न प्रदर्शितम् । मेधातिथिः ।  
The उपनिषद् passage is 'तद्यथा शङ्कुना सर्वाणि पत्राणि संतृण्णानि एवमोङ्कारेण सर्वा वाक् संतृण्णा' । मेधातिथि explains 'सर्वो व्योमो' ।

has been differently explained in the *bhāṣya*. Śaṅkara does explain that passage of the Chāndogya differently. But this is not all. In various other places Medhātithi seems to have in view the Śārīrakabhāṣya of Śaṅkara. For example, he makes an obeisance to *Parabrahma* like an *advaitin* 'vedānta-vedya-tattvāya...parasmai Brahmane namaḥ'. On I. 80 he has<sup>762</sup> before him Śaṅkara's *bhāṣya* on the sūtra 'lokavat tu līlākaivalyam' (Vedāntasūtra II. 1. 33). He, however, seems to have favoured the position that the attainment of *mokṣa* is due<sup>763</sup> not to mere correct knowledge but to the combination (*sumuccaya*) of knowledge and *karma* (vide remarks on Manu VI. 32, 74-75 and XII. 87-90). This was probably due, as Kullūka remarks<sup>764</sup> (on I. 3), to his being a profound student of Mīmāṃsā.

From Medhātithi's *bhāṣya* it is perfectly clear that the text of Manu on which he commented was practically the same that we have now. He refers to ancient (*cirāntana*) expositors of Manu (on V. 127) and to former (*pūrva*) expositors (IV. 176, II. 134, X. 21). He discusses various readings in several places (vide III. 119, IV. 99, 185, 229,

(Continued from the previous page)

वाग्व्यवहारानतीतो वाचश्च सर्वस्या ओङ्कारो मूलम् । तथा च श्रुतिः । तद्यथा शङ्कुना &c. ... अन्तर्धानमनुस्मृतिराश्रयभावापत्तिर्वा । कथं पुनः सर्वा वागोङ्कारेण संतृण्णा । वैदिक्यास्तावदोङ्कारपूर्वकत्वमुक्तम् । लौकिक्या अपि तदादीनि वाक्यानि स्युरित्यापस्तम्बवचनत् । ' शङ्कराचार्य explains 'यथा शङ्कुना पर्णनालेन सर्वाणि पर्णानि पर्णावयवजातानि संतृण्णानि विद्धानि व्याप्तानीत्यर्थः । एवमोङ्कारेण ब्रह्मणा परमात्मनः प्रतीकभूतेन सर्वा वाक् शब्दजातं संतृण्णा । आकरो वा सर्वा वागित्यादिश्रुतेः । '.

762 लीलयापि कौतुकेनापि लोके राजादीनां प्रवृत्तिर्दृश्यत इति ब्रह्मविदः । मेधा० ; 'यथा लोके कस्यचिदातैषणस्य राज्ञो ... लीलारूपाः प्रवृत्तयो भवन्ति' शाङ्करभाष्य.

763 On I. 50 he says 'परब्रह्मावाप्तिस्तु मोक्षलक्षणा केवलानन्दरूपा ज्ञानात् ज्ञानकर्मसमुच्चयाद्वेति वक्ष्यामः । ' ; on मनु VI. 74-75 'इदं तु ज्ञानकर्मणोः समुच्चयान्मोक्ष इति श्लोकद्वयं ज्ञापकम् । ' ; on XII. 87 अतश्च ब्रह्मनिष्ठा परेणापि वेदाभ्यासादीन्यनुष्ठेयानि ।

764 मेधातिथिस्तु कर्ममीमांसावासनया वेदस्य कार्यमेव तत्त्वरूपोर्थस्तं वेत्तीति कार्यं तत्त्वार्थविदिति व्याचष्टे ।



VIII. 53 ). On VIII, 182-183 he notes<sup>765</sup> that the order of the verses was traditionally different. Kullūka also notices that those two verses and the next two were read in one order by Medhātithi and Bhojadeva and in another by Govindarāja. On 9. 93 he notes that according to some that verse is not Manu's.<sup>766</sup> On Manu II. 160 he gives three interpretations of the word 'Vedāntopagatam'. In numerous places he refers (in the words 'anye', 'kecit' 'pūrva') to the explanations of the Manusmṛti that differ from his own; vide for example, on I. 28, 84, II. 5 (bahavaścātra vyākhyāvikalpāḥ, asāratvāt tu na pradarśitāḥ), II. 28, 84; III. 109; VIII. 1, 2, 20, 30, 43, 359, 375, 410; IX. 18, 64, 76; X. 21, 188. He quotes numerous verses with the words 'uktam ca' or 'taduktam' without naming the sources, some of which are taken from the Upaniṣads (as 'na ha vai saśarīrasya sataḥ' on II. I which is Chān. Up. VIII. 12. 1 or 'dve brahmaṇi veditavye' on VI. 84, which occurs in Maitrāyaṇi Up. VI. 22) or on II. 83 he quotes Chān. Up. II. 23. 3 'tad-yathā śāṅkunā sarvāṇi patrāṇi santrīṇāṇi evam-oṅkāreṇa sarvā vāk santrīṇā' and on the same verse he quotes Yogasūtra I. 27-28. He quotes many verses from the Mahābhārata, mentions the Nirukta (on I. 22, II. 10, V. 5), quotes Pāṇini's Sūtras on many verses and the Mahābhāṣyakāra (on Manu II. 12 and 123). On several verses his bhāṣya extends to three, four or even five printed pages as on II. 165, 189, III. I (five pages), 238, V. 2, VIII. 104, 148, X. 5.

One remarkable fact about Medhātithi may be mentioned here. Vijñāneśvara flourished about two hundred years after Medhātithi and names 80 Smṛtis and Smṛtikāras. Yājñavalkya (I. 4-5) names twenty authors that propounded Dharma. Viśvarūpa (commentator of Yāj.), who flourished a little earlier than (or might he at the most a contemporary of Medhātithi) names 30 Dharmaśāstra authors. But Medhātithi, who wrote an extensive bhāṣya on Manu, speaks in general of Kalpasūtrakāras (on III. 5), of Grhyasmṛtis (on II. 29) and Grhyakāras (on III. 45), names (besides

765 The verses are : यो निक्षेपं याच्यमानः &c. and साक्ष्यभावे &c. मेधातिथिः says on the first व्यत्यस्तक्रमोयं श्लोकः समाम्नाये पठ्यते । प्रथमस्यार्थश्लोकं पठित्वा साक्ष्यभाव इति पठितव्यम् । ततः स याच्य इति । एवं पाठो युक्तः ।

766 केचिदाहुरमानवोयं श्लोकः .



Manu ) only a few writers of Dharmasūtras and Smṛtis e. g. Aṅgiras ( on V. 55 ), Āp. Dh. S. ( a few times ), Uśanas ( two verses on VII. 154 ), Kātyāyana ( only once on VII. 1 ), Gautama ( a. of Dharmasūtra, most frequently quoted ), Nārada ( quoted several times ) Baudhāyana ( two verses on Manu IV. 36 ), Brhaspati ( as writer on Vārtā on Manu VII. 43 and IX. 326 ), Yājñavalkya ( quoted more than a dozen times ), Vasistha ( quoted frequently ), Viṣṇu ( a. of Dh. S. only once on Manu III. 238 ), Vyāsa ( on Manu I. 55, X. 127 ), Śaṅkha ( 3 times in prose on Manu III. 234, V. 62 and 111 ) and once on V. 60 a verse 'yadyekajātā bahavaḥ' &c. which is ascribed to Śaṅkha-Likhita in Śrāddhakalpataru p. 263 ), Saṁvarta ( two verses on Manu XI. 114-5 ), Hārīta ( three times in prose on Manu V. 60, 111 and 119 ). Medhātithi does not quote any ( Smṛtikāra with the prefix 'brhat' or 'vrddha,' while the Mit. mentions over a dozen smṛtikāras with those prefixes ( vide below on Mit. ). This leads one to presume that most of the works with those prefixes were either not composed before Medhātithi or ( more probably ) were recent works in Medhātithi's day or that, even though some of them were composed sometime before Medhātithi, they had not penetrated to distant Kashmir in Medhātithi's day.

Medhātithi's *bhāṣya* is full of very interesting information. But for want of space it cannot be analysed in detail. The Mit. ( on Yāj. II. 124 ) refers to the view of Asahāya and Medhātithi ( on Manu 9. 118 ) about the fourth share to be given to an unmarried sister at a partition between brothers and follows it in preference to Bhāruci's. On Yāj. III. 24 the Mit. tells us that certain texts of Ṛṣyaśṛṅga about varying periods of impurity for brāhmaṇas and others were not accepted as authoritative by Dhāreśvara, Viśvarūpa and Medhātithi. According to him<sup>767</sup> *saṁnyāsa* does not mean the giving up of all the obligatory duties laid down by *śāstra*, but the giving up of *ahaṅkāra*. He<sup>768</sup> allowed a brāhmaṇa to

767 अथाप्युच्येत कर्मसंन्यासिनो निवृत्तिमार्गवस्थायिनो नैव केचिच्छास्त्रार्थविधयः सन्ति । नायं शास्त्रार्थः । अहङ्कारममकारत्याग एव संन्यासो वक्ष्यते नाशे शास्त्रार्थत्यागः । मेधा० on मनु VI. 32.

768 सदृशं न ज्ञातितः किं तर्हि कुलानुसृष्टेर्गुणैः, क्षत्रियादिरपि ब्राह्मणस्य दत्तको युज्यते । मेधा० on मनु 9. 168.





adopt even a *kṣatriya* boy. He explains away the well-known verse 'naṣṭe mṛte...patiranyo vidhiyate' by taking the word 'pati' in its etymological sense and says<sup>769</sup> that the verse suggests that in order to maintain herself in such calamities the woman may take service with another person as her protector.

Medhātithi quotes several verses from his own work called *Smṛtiviveka* on *Manu* II. 6 ( in all 24 verses ) and on X. 5 he says that he has dealt with the topic of mixed castes in *Smṛtiviveka*. That work, therefore, was either entirely in verse or contained numerous verses. The *Parāśara-Mādhaviya* ( vol. I, part 2, pp. 183-186 ) has a long quotation in verse on the duties of *yatis* from a work called *Smṛtiviveka* and the same work several times quotes verses attributed to Medhātithi ( vol. I, part I, p. 276 and part 2, p. 172 ). Hence the *Smṛtiviveka* cited by the *Parāśara-Mādhaviya* most probably is Medhātithi's work. Lollāṭa,<sup>770</sup> an early writer quotes several verses of Medhātithi in his work on *śrāddha*. In the *Tithi-nirṇaya-sarvasamuccaya* ( Bhadkamkar collection ) several verses of Medhātithi on obstacles to marriage such as death are quoted.<sup>771</sup> In the *Yatidharmasaṅgraha* of Viśveśvara-sarasvatī ( Ānandāśrama ed. p. 27 ) two well-known verses about '*aṣṭāṅgamaithuna*' ( viz. *smaraṇam kīrtanam keliḥ*

769 तत्र पालनात्पतिमन्यमाश्रयेत् सैरन्ध्रकर्मादिनाप्रवृत्त्यर्थम् । मेधा० on मनु. 5. 156.

770 पुत्राभावे सपिण्डा मातृसपिण्डाः शिष्याश्च द्युः, तदभावे ऋत्विगाचार्याविति मेधातिथिस्मरणात् । ( folio 4b of the ms. of श्राद्धप्रकरण by लोल्लटाचार्य in the आनन्दाश्रम library at Poona ) ; जाताशौचमृताशौचविषये त्वाह मेधातिथिः । पादप्रक्षालने श्राद्धे त्वनलस्थापनं कर्तौ । मधुपर्के विवाहे वै आशौचेऽप्यूर्ध्वमाचरेत् । ( *ibid.* folio 10a ).

771 बधूवरार्थं घटिते सुनिश्चिते वरस्य गेहेऽप्यथ कन्यकायाः । मृत्युर्यदि स्यान्मनुजस्य चित्त( वित्त? )दानं कुर्यात्सल्लु जातमङ्गलम् ॥ ( folio 45b ) ; वाग्दानानन्तरं यत्र कुलयोः कस्यचिन्मृतिः । तदा संवत्सरादूर्ध्वं विवाहः शुभदो भवेत् ॥ ( folio 46 a ) ; चौले च व्रतबन्धे च विवाहे व्रतकर्मणि । भार्या रजस्वला यस्य प्रायस्तस्य च ( न ? ) शोभनम् ॥ ( folio 47a ) ; पृथग्मातृजयोः कार्यो विवाहस्त्वेकवासरे । एकस्मिन्मण्डपे चैव पृथग्वेदिकयोस्तथा ॥ ( folio 51a ).

The first two verses occur in गदाधर's commentary on the पारस्कर-गृह्य and the last three are cited in the कृत्यचिन्तामणि of शिवराम. Ms. No. 221 of 1879-80, folios 54b, 55a, 56b. in the Govt. Mss. Lib. at the B. O. R. Institute, Poona 4.

etc. ) are ascribed to Medhātithi and another verse<sup>772</sup> is cited ( on the same page ) about the six duties of *yatis*. These quotations show that Medhātithi wrote an extensive work in verse on several topics of dharma. It is to be fervently hoped that this work of Medhātithi would be brought to light some day or other. Coming as it does from such an erudite and ancient writer, it would throw a flood of light on the development of dharmaśāstra.

As Medhātithi names Asahāya and Kumārila and most probably quotes the views of Śaṅkarācārya, he is later than 820 A. D. As the Mit. looked upon him as an authoritative writer, he must be earlier than 1050 A. D. Most probably he flourished between 825 and 900 A. D. Kullūka<sup>773</sup> on Manu III. 127 says that Medhātithi is much earlier than Govindarāja ( 1050-1100 A. D. ). Lollāṭa is mentioned as a predecessor in the Smṛtyartha-sāra of Śrīdhara, which was composed between 1150-1200 A. D. So Lollāṭa is much earlier than 1150 A. D. He looked upon Medhātithi as a writer whose work was as authoritative as a smṛti. A work called Prakāśa<sup>774</sup> which is quoted in the Kalpataru appears to have mentioned Medhātithi. Hemādri quotes at great length Medhātithi's comments in several places.<sup>775</sup> Hence the above date is amply corroborated. This conclusion is further strengthened by the fact that, though he names Asahāya, he does not mention Viśvarūpa, Bhāruci or Śrīkara. If by Miśra,<sup>776</sup> in his comment on Manu XII. 118 he refers to Vācaspati-miśra, the author of the Bhāmatī and other works, then he will have to be placed after 850 A. D.

772 भिक्षाटनं जपो ध्यानं स्नानं शौचं सुरार्चनम् । कर्तव्यानि षडेतानि यतिना  
नृपदण्डवत् । यतिधर्मसंग्रहः ।

773 मेधातिथिप्रभृतिभिर्गोविन्दराजादपि वृद्धतरैरनभ्युपेतत्वात् ।

774 Vide note 222.

775 Vide चतुर्वर्गः III. 1. 1062-63 where मेधातिथि's comment on मनु III. 265 is cited.

776 प्रमाणान्तरमपि एकत्वप्रतिपादनपरत्वादेव ग्राहिणः प्रत्यक्षस्य मिश्रैः  
एव क्लेशः ।

